

It is a lesson which we may take to heart, perhaps, and by learning from experience go back to the good old methods of finance and use both the metals, which the Almighty in His wisdom gave to the world for that purpose.

The PRESIDENT pro tempore. The bill will be read at length.

The bill was read the second time at length, as follows:

An act (S. 6192) to amend section 27 of an act approved December 23, 1913, and known as the Federal reserve act.

Be it enacted, etc., That section 27 of the act approved December 23, 1913, known as the Federal reserve act, is hereby amended and reenacted to read as follows:

"Sec. 27. The provisions of the act of May 30, 1908, authorizing national currency associations, the issue of additional national bank circulation, and creating a National Monetary Commission, which expires by limitation under the terms of such act on the 30th day of June, 1914, are hereby extended to June 30, 1915, and sections 5153, 5172, 5191, and 5214 of the Revised Statutes of the United States, which were amended by the act of May 30, 1908, are hereby reenacted to read as such sections read prior to May 30, 1908, subject to such amendments or modifications as are prescribed in this act: *Provided, however,* That section 9 of the act first referred to in this section is hereby amended so as to change the tax rates fixed in said act by making the portion applicable thereto read as follows:

"National banking associations having circulating notes secured otherwise than by bonds of the United States, shall pay for the first three months a tax at the rate of 3 per cent per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterwards an additional tax rate of one-half of 1 per cent per annum for each month until a tax of 6 per cent per annum is reached, and thereafter such tax of 6 per cent per annum upon the average amount of such notes: *Provided further,* That whenever in his judgment he may deem it desirable, the Secretary of the Treasury shall have power to suspend the limitations imposed by section 1 and section 3 of the act referred to in this section, which prescribe that such additional circulation secured otherwise than by bonds of the United States shall be issued only to national banks having circulating notes outstanding secured by the deposit of bonds of the United States to an amount not less than 40 per cent of the capital stock of such banks, and may permit national banks, during the period for which such provisions are suspended, to issue additional circulation under the terms and conditions of the act referred to."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NELSON. Mr. President, now that we have passed this bill I desire to state that we have passed it, not because there is any immediate danger, but as a precautionary measure.

The difference between us and Europe in this emergency is this: Europe is engaged in mobilizing its armies and navies, while we are simply engaged in mobilizing our bank reserves.

PROPOSED ROUTINE BUSINESS.

Mr. CATRON. Out of order I ask leave to report a bill from the Committee on Military Affairs and have it placed on the calendar.

The PRESIDENT pro tempore. The Senator from New Mexico asks unanimous consent at this time to make the following report—

Mr. SMOOT. I object.

The PRESIDENT pro tempore. The Senator from Utah objects.

Mr. WILLIAMS. I ask unanimous consent to introduce a bill for proper reference.

Mr. SMOOT. I object.

The PRESIDENT pro tempore. The Senator from Utah objects.

PETITIONS AND MEMORIALS.

Mr. GRONNA presented petitions of sundry citizens of Linton, Temvik, and of the Evangelical Brotherhood of Fargo, all in the State of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE (for Mr. OLIVER) presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also (for Mr. OLIVER) presented a petition of the Upholsterers' Local Union No. 124, of Philadelphia, Pa., praying for the passage of the so-called Clayton antitrust bill, which was ordered to lie on the table.

He also presented a petition of Local Union No. 250, International Union of the United Brewery Workmen of America, of Easton, Pa., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a petition of the City Council of Astoria, Oreg., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS:

A bill (S. 6190) for the relief of Mary Maynor; to the Committee on Claims.

By Mr. JONES:

A bill (S. 6191) granting an increase of pension to William Lockwood; to the Committee on Pensions.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m., Friday, July 31, 1914) the Senate took a recess until to-morrow, Saturday, August 1, 1914, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 31 (legislative day of July 27), 1914.

CONSUL.

Cornelius Ferris, jr., to be consul at Bluefields, Nicaragua.

RECEIVER OF PUBLIC MONEYS,

George G. Beams, to be receiver of public moneys at Lincoln, Nebr.

POSTMASTERS.

ILLINOIS.

Robert Selby, Lovington.

IOWA.

J. Brady Platt, Tipton.

Sterling P. Moore, Villisca.

Isaac N. West, Mount Vernon.

PENNSYLVANIA.

Peter V. Abel, Hastings.

John J. Kinney, South Fork.

Abraham H. Nyce, Vernfield.

HOUSE OF REPRESENTATIVES.

FRIDAY, July 31, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We seek the uplift of Thy spirit, Almighty God, our heavenly Father, that with clear vision, pure motives, and earnest endeavor we may do the work of the hour, with an eye single to Thy glory, in the betterment of conditions; that peace and prosperity may unite our people in the making of good government, to the end that righteousness may live and grow in the hearts of all. And Thine be the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MAY STANLEY.

Mr. SCOTT. Mr. Speaker, on the 15th of the present month the bill (S. 1644) for the relief of May Stanley, with House amendments, was returned from the Senate and a conference asked. I desire to move that the request of the Senate for a conference be agreed to.

The SPEAKER. The Chair lays before the House the bill (S. 1644) for the relief of May Stanley, which the Clerk will report.

The Clerk read the title of the bill, as follows:

S. 1644. An act for the relief of May Stanley, and for other purposes.

The SPEAKER. The gentleman from Iowa [Mr. SCOTT] asks unanimous consent that the House agree to the conference asked by the Senate. Is there objection?

There was no objection, and the Speaker announced as conferees on the part of the House Mr. POU, Mr. STEPHENS of Mississippi, and Mr. SCOTT.

PRIVATE CALENDAR.

Mr. POU rose.

The SPEAKER. The gentleman from North Carolina.

Mr. POU. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from North Carolina [Mr. POU] moves that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar. The question is on agreeing to that motion.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-seven gentlemen are present—not a quorum.

Mr. GARRETT of Tennessee. Mr. Speaker, is the House dividing?

The SPEAKER. Yes. The Doorkeeper will close the doors. The Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the motion that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 200, nays 8, answered "present" 9, not voting 216, as follows:

YEAS—200.

Abercrombie	Dixon	Humphreys, Miss.	Prouty
Alexander	Donohoe	Jacoway	Quinn
Allen	Donovan	Johnson, Ky.	Rainey
Ansberry	Doolittle	Johnson, Utah	Raker
Balley	Doremus	Johnson, Wash.	Reed
Baker	Doughton	Kelly, Pa.	Reilly, Conn.
Baltz	Elder	Kennedy, Conn.	Reilly, Wis.
Barnhart	Esch	Kennedy, Iowa	Roberts, Nev.
Barion	Evans	Kennedy, R. I.	Rubey
Bathrick	Falconer	Kent	Rucker
Beakes	Fergusson	Kettner	Rupley
Bell, Cal.	Ferris	Kindel	Russell
Blackmon	Fess	Kinkaid, Nebr.	Scott
Bocher	Fields	Kirkpatrick	Seldomridge
Borchers	FitzHenry	Konop	Shackelford
Britten	Flood, Va.	La Follette	Sims
Brockson	Floyd, Ark.	Lee, Ga.	Sinnott
Brodbeck	Foster	Lee, Pa.	Sloan
Broussard	Fowler	Leshner	Smith, Idaho
Brown, W. Va.	French	Lewis, Md.	Smith, Md.
Brumbaugh	Gailagher	Lieb	Smith, Minn.
Bryan	Gallivan	Lindbergh	Sparkman
Buchanan, Ill.	Garner	Linthicum	Stedman
Buchanan, Tex.	Garrett, Tenn.	Lloyd	Stephens, Cal.
Burgess	Garrett, Tex.	McKellar	Stone
Burke, S. Dak.	Gerry	McKenzie	Stout
Burke, Wis.	Gilmore	McLaughlin	Sutherland
Burnett	Good	MacDonald	Talbott, Md.
Campbell	Goodwin, Ark.	Maguire, Nebr.	Talbot, N. Y.
Candler, Miss.	Gray	Mapes	Tavener
Cantor	Greene, Vt.	Miller	Taylor, Ark.
Caraway	Gregg	Mitchell	Taylor, Colo.
Carter	Hamlin	Mondell	Ten Eyck
Clark, Fla.	Hammond	Moun	Thomson, Ill.
Cline	Hardy	Morrison	Towner
Coady	Harris	Moss, Ind.	Tribble
Collier	Harrison	Moss, W. Va.	Tuttle
Connelly, Kans.	Haugen	Mulkey	Volstead
Cooper	Hawley	Neely, W. Va.	Walsh
Cox	Hay	Nolan, J. I.	Watkins
Crampton	Hadden	Norton	Watson
Cullop	Helgeson	O'Hair	Webb
Curry	Helm	Oldfield	Whaley
Danforth	Helvering	Page, N. C.	White
Davis	Hensley	Park	Wilson, Fla.
Decker	Hill	Patton, Pa.	Wingo
Dent	Holland	Peters, Mass.	Woodruff
Dickinson	Howard	Plumley	Woods
Diffenderfer	Howell	Post	Young, N. Dak.
Dillon	Hulings	Pou	The Speaker

NAYS—8.

Anderson	Hayes	Montague	Smith, Saml. W.
Farr	Madden	Morgan, Okla.	Witherspoon

ANSWERED "PRESENT"—9.

Butler	Glass	Hull	Taylor, Ala.
Clancy	Guernsey	Mann	Treadway
Claypool			

NOT VOTING—216.

Adair	Byrnes, S. C.	Gooding	Godwin, N. C.
Adamson	Byrnes, Tenn.	Driscoll	Goeke
Aiken	Caldier	Drukker	Goodfogle
Ainey	Callaway	Dunn	Gordon
Anthony	Cantrill	Dupré	Gorman
Ashbrook	Carew	Eagan	Goulden
Aswell	Carrin	Eagle	Graham, Ill.
Austin	Carr	Edmonds	Graham, Pa.
Avis	Cary	Edwards	Green, Iowa
Barchfeld	Casey	Estopinal	Greene, Mass.
Barkley	Chandler, N. Y.	Fairchild	Griest
Bartholdt	Church	Faison	Griffin
Bartlett	Connolly, Iowa	Finley	Gudger
Beall, Tex.	Conry	Fitzgerald	Hamill
Bell, Ga.	Copley	Fordney	Hamilton, Mich.
Borland	Covington	Francis	Hamilton, N. Y.
Bowdie	Crisp	Frear	Hardwick
Brown, N. Y.	Crosser	Gard	Hart
Browne, Wis.	Dale	Gardner	Hoflin
Browning	Davenport	George	Henry
Bruckner	Deltrick	Gill	Hinds
Bulkey	Dershem	Gillett	Hinebaugh
Burke, Pa.	Dies	Gittins	Hobson

Houston	Logue	Payne	Steenerson
Hoxworth	Lohergan	Peters, Me.	Stephens, Miss.
Hughes, Ga.	McAndrews	Peterson	Stephens, Nebr.
Hughes, W. Va.	McClellan	Pelan	Stephens, Tex.
Humphrey, Wash.	McCoy	Platt	Stevens, Minn.
Igoe	McGillcuddy	Porter	Stevens, N. H.
Johnson, S. C.	McGuire, Okla.	Powers	Stricker
Jones	Mahan	Ragsdale	Summers
Kahn	Maher	Rauch	Switzer
Keating	Manahan	Rayburn	Taggart
Kelster	Martin	Riordan	Taylor, N. Y.
Kelley, Mich.	Merritt	Roberts, Mass.	Temple
Key, Ohio	Metz	Rogers	Thacher
Kieess, Pa.	Moore	Rothermel	Thomas
Kinkaid, N. J.	Morgan, La.	Rouse	Thompson, Okla.
Kitchin	Morin	Sabath	Townsend
Knowland, J. R.	Mott	Saunders	Underhill
Kraby	Murdoch	Scully	Underwood
Krider	Murray, Miss.	Sells	Vare
Lafferty	Murray, Okla.	Sherley	Vaughan
Langham	Nealey, Kans.	Sherwood	Vollmer
Langley	Nelson	Shreve	Walker
Lazaro	O'Brien	Sisson	Wallin
Leagle	Olesby	Slayden	Walters
Leenoot	O'Leary	Slemp	Weaver
Levy	O'Sannessy	Small	Wittacre
Lewis, Pa.	Padgett	Smith, J. M. C.	Williams
Lindquist	Paige, Mass.	Smith, N. Y.	Willis
Lobeck	Palmer	Smith, Tex.	Wilson, N. Y.
Loft	Parker	Stafford	Winslow
	Patten, N. Y.	Stanley	Young, Tex.

So the motion of Mr. POU was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. SCULLY with Mr. BROWNING.

Mr. GLASS with Mr. SLEMP.

Mr. METZ with Mr. WALLIN.

Mr. BARTLETT with Mr. BUTLER.

Mr. UNDERWOOD with Mr. MANN.

Until further notice:

Mr. CONEY with Mr. AVIS.

Mr. DALE with Mr. MARTIN.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SHERLEY with Mr. GILLET.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. FIELDS with Mr. LANGLEY.

Mr. STEPHENS of Texas with Mr. BARTHOLDT.

Mr. ESTOPINAL with Mr. FREAR.

Mr. BELL of Georgia with Mr. CALDER.

Mr. WEAVER with Mr. WALTERS.

Mr. EDWARDS with Mr. GRIEST.

Mr. MORGAN of Louisiana with Mr. LINDQUIST.

Mr. PADGETT with Mr. MORIN.

Mr. FAISON with Mr. GREENE of Massachusetts.

Mr. HENRY with Mr. HINDS.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. HOUSTON with Mr. LANGHAM.

Mr. CANTRILL with Mr. COPLEY.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. ASHBROOK with Mr. AUSTIN.

Mr. BYRNS of Tennessee with Mr. BARCHFELD.

Mr. KITCHIN with Mr. ROBERTS of Massachusetts.

Mr. GORMAN with Mr. McLAUGHLIN.

Mr. LAZARO with Mr. PARKER.

Mr. ASWELL with Mr. CARY.

Mr. CALLAWAY with Mr. WILLIS.

Mr. THOMAS with Mr. FAIRCHILD.

Mr. HUGHES of Georgia with Mr. MERRITT.

Mr. IGOE with Mr. GREEN of Iowa.

Mr. SHERWOOD with Mr. MOTT.

Mr. JOHNSON of South Carolina with Mr. GRAHAM of Pennsylvania.

Mr. LOBECK with Mr. POWERS.

Mr. SABATH with Mr. SWITZER.

Mr. UNDERHILL with Mr. STEENERSON.

Mr. ADAIR with Mr. BROWNE of Wisconsin.

Mr. BYRNS of South Carolina with Mr. SHREVE.

Mr. FRANCIS with Mr. CHANDLER of New York.

Mr. GOEKE with Mr. EDMONDS.

Mr. LEVER with Mr. KELLEY of Michigan.

Mr. McANDREWS with Mr. KREIDER.

Mr. RAUCH with Mr. PAIGE of Massachusetts.

Mr. PALMER with Mr. MOORE.

Mr. ROUSE with Mr. PORTER.

Mr. SMITH of Texas with Mr. TEMPLE.

Mr. ADAIR with Mr. DRUKKER.

Mr. BARKLEY with Mr. ANTHONY.

Mr. BULKLEY with Mr. DUNN.
 Mr. CARLIN with Mr. HAMILTON of Michigan.
 Mr. CARR with Mr. KEISTER.
 Mr. DUPRE with Mr. HUMPHREY of Washington.
 Mr. FINLEY with Mr. KAHN.
 Mr. FITZGERALD with Mr. FORDNEY.
 Mr. GORDON with Mr. KIESS of Pennsylvania.
 Mr. HEFLIN with Mr. NELSON.
 Mr. PATTEN of New York with Mr. McGUIRE of Oklahoma.
 Mr. PETERSON with Mr. MANAHAN.
 Mr. SAUNDERS with Mr. PAYNE.
 Mr. SISSON with Mr. PETERS of Maine.
 Mr. TAGGART with Mr. ROGERS.
 Mr. WALKER with Mr. SELLS.
 Mr. WILLIAMS with Mr. VARE.

Mr. MANN. Mr. Speaker, I voted "yea," but I am paired with the gentleman from Alabama, Mr. UNDERWOOD. I desire to withdraw my vote and to be recorded "present."

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted in the affirmative.

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will unlock the doors.

Accordingly the House resolved itself into the Committee of the Whole for the consideration of bills on the Private Calendar, with Mr. TAYLOR of Colorado in the chair.

Mr. POUL. Mr. Chairman, under the rules to-day would be devoted to the consideration of bills from the Committee on Claims. I ask unanimous consent to begin at No. 318 on the Private Calendar and to consider, by unanimous consent, from 318 to the end of the calendar, the bills from the Committee on Claims.

I think it is due the House that I make a brief explanation of my reason for making that request. The bills on the Private Calendar have been considered by unanimous consent up to No. 318. Now, in order to give every bill one opportunity for consideration by unanimous consent the call should begin at 318 and continue until the calendar is disposed of. Then we can go back to the beginning and start in the regular way.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] asks unanimous consent that the committee begin with No. 318 on the Private Calendar and take up the bills in order from that number on, by unanimous consent. Is there objection?

Mr. MANN. Reserving the right to object, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Does that mean all bills on the calendar?

Mr. POUL. The request that I made was, bills from the Committee on Claims.

The CHAIRMAN. Only bills reported from the Committee on Claims.

Mr. MANN. That would not give every bill a chance, as the gentleman has suggested.

Mr. POUL. I qualified it by saying from the Committee on Claims; but if the gentleman insists on it, then I will ask unanimous consent to proceed with the Private Calendar, beginning at No. 318, by unanimous consent, after which I shall insist that bills from the Committee on Claims be given the preference.

The CHAIRMAN. Does the gentleman modify his request?

Mr. POUL. I modify it by asking unanimous consent to begin with No. 318 and continue the call of the Private Calendar by unanimous consent.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to begin on the calendar at No. 318 and to call the calendar from that number on. Is there objection?

There was no objection.

F. W. SCHULTZ.

The first business in order on the Private Calendar was the bill (H. R. 15513) for the relief of F. W. Schultz.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to cause the account of F. W. Schultz, postmaster at Junius, State of South Dakota, to be credited with the sum of \$244.90, and that he cause said credit to be certified to the Auditor of the Treasury for the Post Office Department, being on account of loss by robbery of said post office on the 17th of October, 1909, it appearing that said loss was without fault or negligence on the part of said F. W. Schultz, postmaster.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from South Dakota in reference to this bill. There seems to be some controversy as to whether the postmaster locked his safe or only put it on what they call a day lock. What information does the gentleman have?

Mr. DILLON. I will say that since this matter was up I have investigated more fully the files of the Post Office Depart-

ment. Mr. Caldwell made three affidavits. The first one was made at the instance of the inspector. Upon examination of the papers in the Post Office Department I find an affidavit of that kind. Mr. Caldwell within six months thereafter made another affidavit stating that the dial to the safe was turned both ways and was not left upon the day lock. He then made another affidavit that the dial was thoroughly turned. I recently called his attention to the claim that he had made an affidavit before the inspector. I have an affidavit here in which he says that he has no recollection of making such an affidavit, but if he did, that portion of it is an error.

The facts are as set forth in the affidavit of July, 1910. I succeeded also in having the department locate the inspector's report—that the Committee on Claims did not have—and I would like to read a few lines of what the post-office inspector said in his report. He says:

The loss would be hard upon him, as I understand he is working for wages. I realize that it would be out of place to recommend credit in this case, but as the loss sustained consisted of postage stamps only, some consideration might be given the postmaster, especially as I believe the safe would have been blown had the combination not been worked. The risk of detection at Junius was less than at Ramona, and the burglar who can work a combination can certainly blow up a safe. The postmaster and assistant bear excellent reputations, and I am satisfied that they were in no way responsible for the robbery.

As near as I can determine, this robbery was committed by professional burglars, and the probability of arrest at this date is too remote to warrant holding the case longer.

D. A. COLLIER, Post-Office Inspector.

Mr. MANN. I will say to the gentleman that that part of it does not appeal to me in the slightest degree. If under the post-office regulations the postmaster deposits his money and stamps in a safe, turns the lock of the safe so that all the tumblers are turned and it is thoroughly locked, he is entitled to remuneration. If he turns only one tumbler, what they call a day lock, under the regulations he is not entitled to reimbursement. I understand the gentleman from South Dakota says that he has an affidavit now from the assistant postmaster who closed the safe that the safe was thoroughly locked.

Mr. DILLON. It was thoroughly locked.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. DILLON. Certainly.

Mr. BURKE of South Dakota. I wish to state that I introduced a bill for this claim in a former Congress. My recollection is that the assistant postmaster stated at that time, in explanation of the affidavit that was made before the inspector, that the inspector requested an affidavit, and the inspector prepared it, but that he did not seem to recall that he had made the statement in the affidavit. He did make two affidavits subsequently in which he sets forth that the safe was thoroughly locked.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. SMITH of Minnesota. I object.

WYLLYS A. HEDGES.

The next business in order on the Private Calendar was the bill (H. R. 13352) to allow credit in the accounts of Wyllys A. Hedges, special disbursing agent.

The Clerk read the bill, as follows:

Be it enacted, etc., That the accounting officers of the Treasury are hereby authorized and directed to allow and credit in the accounts of Wyllys A. Hedges, ex-receiver and special disbursing agent at the United States land office, Lewistown, Mont., the sum of \$290, being the amount disallowed by the Auditor for the Interior Department in the settlement of his accounts for the period ended June 30, 1913, under the appropriation for "Contingent expenses of land offices, 1913," on account of salary paid Joseph E. Lamb as clerk at \$1,200 per annum from January 5, 1913, to March 31, 1913, inclusive.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, there is more or less information in the report, but there is nothing in it to show that the payment was ever made or ever disallowed.

Mr. STOUT. He did make the payment.

Mr. MANN. There is nothing to show that the Government disallowed it.

Mr. STOUT. It was disallowed, and the receiver paid the money upon the receipt of the telegram which is contained in the report.

Mr. MANN. The gentleman has information that the disbursing officer made the payment to this man and the officer disallowed it?

Mr. STOUT. I have personal information, because it occurred in the town in which I live.

Mr. MANN. The fact that it occurred in the town in which the gentleman lives would be hearsay evidence.

Mr. STOUT. I have official information from the department.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside with a favorable recommendation.

EPPS DANLEY.

The next business in order on the Private Calendar was the bill (H. R. 17110) to reimburse Epps Danley for property lost by him while light keeper at the Pascagoula River (Miss.) Light Station.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Epps Danley, of the city of Pascagoula, Jackson County, Miss., out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$331.70 for property losses sustained by him during a storm on September 27, 1906, while light keeper of the East Pascagoula River (Miss.) Light-house Station.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, there are a number of these bills on the calendar, and I would like to get some information in regard to them. Does the Government become insurer of property of a lighthouse keeper, no matter what the property is? Some of these bills cover chickens, horses, cows, and property of that sort. When the Government employs a man as a lighthouse keeper, puts him in the lighthouse, furnishes him house rent or a dwelling, does it thereby insure all the property that he may accumulate in and around the lighthouse?

Mr. POUL. I suppose the gentleman is proposing that question by way of indicating that he is opposed to the bill.

Mr. MANN. I do not know; at one time I was favorably inclined to this bill which has been before Congress a great many years in some shape or other.

In this case there was a great storm on the Gulf of Mexico a number of years ago, and a number of lighthouses were destroyed, and the property of the keepers was destroyed. In some cases the keepers were maintaining little gardens and various domestic animals, which was perfectly proper for them to do. In the case of fire or storm, do we guarantee that we will return the value of that property to these keepers, or should we? I would like to have the gentleman's opinion upon that.

Mr. POUL. Mr. Chairman, the view that the committee took was that it is unjust to a man when the Government puts him into a Government lighthouse and he takes his property there and a storm sweeps it away that he should not have reimbursement. It looks as if the Government should do one of two things, either make good the loss, or put him in a house that would be safe against storm.

Mr. MANN. But this was safe against any usual storm. Suppose the Government, instead of furnishing him quarters, as it does in many cases, should make him rent his house, as it does in some cases, and his house should burn; would the Government be expected to insure the property?

Mr. HARRISON. Mr. Chairman, the gentleman speaks of a "usual" storm. He should remember that this was a most extraordinary storm.

Mr. MANN. I understand that this was a terrific storm.

Mr. HARRISON. It was the worst that that country ever experienced. In 1906 this man was stationed on this island, going about his duty assigned to him by the Government, and all of his property was swept away. It seems to me that this is a most reasonable claim.

Mr. MANN. The gentleman will notice what the man himself says about it:

Although it was no fault of the Government, I think that I should not bear the entire loss. I would be very glad indeed if I could get one-half, if not all, as part reimbursement.

Mr. HARRISON. I think that was due to the fact that the man was of a generous disposition and did not think that he could get all, or did not know that he could get any. He needed it, and rather than lose it he thought he would take half.

Mr. MANN. Of course he would take anything that we give him, which is perfectly proper. The gentleman knows that immediately following this storm, which was seven or eight years ago—

Mr. HARRISON. It was in September, 1906, that it happened.

Mr. MANN. The Lighthouse Board in its annual report gave a list of losses by reason of this storm and recommended their payment. I believe at one time I introduced a bill—having then, in the Committee on Interstate and Foreign Commerce, charge of lighthouse matters—for the payment of the claims. I do not remember whether this bill was ever reported favorably or not.

Mr. HARRISON. I think it was.

Mr. MANN. It did not pass. This was one of the claims.

Mr. HARRISON. Yes.

Mr. MANN. There are several of these claims on this calendar.

Mr. HARRISON. There are two of this kind on the calendar—this one and the case of Poitevin.

Mr. MANN. There are at least two. I wonder whether the Government is to become an insurer of all the property belonging to a lighthouse keeper which is not only in the lighthouse but around the lighthouse or in the reservation. Does the gentleman himself think that we ought to become an insurer?

Mr. HARRISON. I think each case ought to stand on its own footing; and in this instance, this being such an unprecedented storm and these people being on the island and discharging the duties that go with the keeping of a lighthouse, and their property being destroyed and swept away, I think the Government ought to pay.

Mr. MANN. The gentleman would not draw a distinction between one kind of a storm and another. What is the difference to the lighthouse keeper if the storm destroys his property?

Mr. HARRISON. I think a man ought to exercise some diligence and precaution about taking care of his property, and if it were not a very bad storm he could have done it.

Mr. MANN. If it was a bad enough storm to destroy his property, what difference does it make to him? Suppose the property burns.

Mr. HARRISON. That would be a different proposition.

Mr. MANN. Why? It would be through no fault of his, and he is put out there where he can not get the assistance of any fire company or fire engine.

Mr. HARRISON. Because of this man's very location, out on this island, he could not take care of the property. Because of the magnitude of the storm—

Mr. MANN. The gentleman says "on this island." Was the other man on the island, too?

Mr. HARRISON. Yes. As I recollect it, one was the assistant lighthouse keeper and the other was the lighthouse keeper. I think each case ought to stand on its own footing.

Mr. MANN. Oh, well, the gentleman has been here long enough to know as well as I do that when we pass a bill of this kind we create a precedent, where we can not draw a distinction, and we have to pay all similar claims, if we do justice. When they are once passed the committee, as a rule, reports them, as a matter of course; and Congress passes them, as a matter of course.

Mr. HARRISON. I realize that that is true.

Mr. MANN. And to-day we pass a good many bills the passage of which no one in the House 10 years ago probably would have advocated at all; but in course of time one bill went through and that created a precedent, and when we create a precedent we feel that we ought to proceed along those lines. I will ask the gentleman—well, I will not further question the gentleman who introduced the bill, but I am sure, if it were my bill—

Mr. HARRISON. Oh, if it were the gentleman's bill I would be in favor of its passage.

Mr. MANN. Oh, there would be 40 men who would think it ought not to pass if it were my bill.

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. POUL. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to; and the bill was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLDFIELD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4623) extending the period of payment under reclamation projects, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Arizona, Mr. LANE, and Mr. JONES as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4845) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

SANFORD F. TIMMONS.

The committee resumed its session.

The next business in order on the Private Calendar was the bill (H. R. 15735) to correct the military record of Sanford F. Timmons.

The bill was read.

The CHAIRMAN. Is there objection?

Mr. MONDELL. Mr. Chairman, I object.

Mr. POUL. Mr. Chairman, I suggest to the committee we can complete this call by unanimous consent very much more rapidly if gentlemen will intervene objections after the reading of the title. If gentlemen have made up their minds to object it will save a great deal of time by not reading the entire bill, and I would like to complete this call if possible.

The CHAIRMAN. It is suggested by the gentleman from North Carolina that those who have definite views in opposition to measures will announce them before the reading of the entire bill, in order to save time. The Clerk will report the next bill.

JOHN OURSLER.

The next business in order on the Private Calendar was the bill (H. R. 16430) for the relief of John Oursler.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. MONDELL. Mr. Chairman, I object.

FRANCIS A. GRENNEN.

The next business in order on the Private Calendar was the bill (H. R. 10328) for the relief of Francis A. Grennen.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, I ask to have the bill read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francis A. Grennen, who was permanently disabled while engaged in the employment of the United States Government at Frankford Arsenal, in the State of Pennsylvania, on or about January 7, 1910, the sum of \$5,000.

The committee amendment was read, as follows:

Page 1, line 9, strike out "\$5,000" and insert "\$1,500."

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, can not the gentleman make a very brief statement?

Mr. DONOHUE. Mr. Chairman, I am very familiar with this case, and I believe it is a most meritorious one. This young man is a veteran of the Spanish-American War and the son of a veteran of the Civil War. He lost his arm at the Frankford Arsenal while employed there, and now he is in very poor circumstances, with a wife and several children dependent upon him. His earning capacity, of course, is materially reduced, and in case he gets out of the arsenal, which is likely to happen any day, I do not know what will become of him. If this accident had happened to him in an industrial establishment in Pennsylvania, he would get a much larger sum than that which the committee has recommended in this bill. I trust the bill will be allowed to pass.

Mr. MANN. Let me see. This man was employed in the arsenal and is still employed in the arsenal. He is receiving as high compensation now as he did before he received the injury at the arsenal, and if my recollection is correct he is receiving a higher compensation, but I may be mistaken.

Mr. DONOHUE. No; \$1.76 a day.

Mr. MANN. He has already been paid the amount allowed to him under the general law providing for compensation for employees injured in the Government service. He has received that amount in full. Now, having received that full amount which the law allows for compensation, and although he is still employed in the arsenal and has lost no money, whatever pain he may have suffered, he wants us now to make a special appropriation apart from all other people for an injury received in the Government service and be paid additional compensation.

Mr. DONOHUE. Well, the testimony shows that he is not very well able to work, that he suffers greatly at times from the loss of this arm, and that he has to have a doctor's attendance occasionally. As before stated, in case he gets out of the arsenal I do not know what he could turn his hand to.

Mr. MANN. Well, he might go out if he had the extra compensation, but as he is, he is likely to stay there.

Mr. DONOHUE. He might start some little business that would keep body and soul together if he got this little money. I know that his is a most deserving case.

Mr. MANN. If we start in to pay extra compensation after allowing a man full compensation that the law allows him—

Mr. DONOHUE. That is, one year's salary.

Mr. MANN (continuing). Under the act passed only a few years ago, and then in addition keep him in employment, which they ordinarily do not do, I do not see how we can proceed on that theory.

Mr. DONOHUE. If he lost an arm in the employ of a railroad, for instance, he would get fairly liberal damages in Pennsylvania.

Mr. MANN. If he lost an arm in private employment the way he did lose the arm he would not get anything.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. I shall object.

COLUMBUS, DELAWARE & MARION RAILWAY CO., OF COLUMBUS, OHIO.

The next business in order on the Private Calendar was the bill (H. R. 17102) for the relief of the Columbus, Delaware & Marion Railway Co., of Columbus, Ohio.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the receiver of the Columbus, Delaware & Marion Railway Co., of Columbus, Ohio, the sum of \$119,26, taxes illegally collected under the excise tax act of August 5, 1909, for the years ending December 31, 1909 and 1910, under the decision of the Supreme Court of the United States in the case of the United States against Whitridge, receiver, reported in Two hundred and thirty-first United States Statutes, page 144.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, there are a number of bills like this upon the calendar, and I think the gentleman ought to give some explanation of them, and why we should pay them, all involving electric street car lines.

Mr. POUL. I can perhaps explain better by reading from the report. "The object of this bill is to refund"—

Mr. MANN. There is very little information in the report on this bill, and I do not think you get much information by reading the report on this bill. I think possibly there may be some information in the reports on some similar bills, but there certainly is not much on this one.

Mr. POUL. Well, the only explanation that can be made is that this tax was illegally paid by this corporation, and it had two years within which to obtain a refund of the tax, and for some reason it did not obtain that refund.

Mr. MANN. I would like to ask the gentleman from North Carolina what the purpose is of putting into a general statute a provision that if a man wants to have a claim paid he shall file his claim within a certain length of time if, the moment that it is applied, for that reason, the Committee on Claims reports a bill to pay the claim? That is the only excuse given in this report.

Mr. POUL. I will say to the gentleman from Illinois the particular point was discussed in the Committee on Claims, and we took a vote on it. The majority of the committee decided that, in view of the fact that it was a pure technicality, they were in favor of returning this tax.

Mr. MANN. Here is a case where the Government collected a corporation tax. The law providing for the corporation tax authorized the Secretary of the Treasury to refund tax improperly collected, if the claim was made in two years. In this case the claim was not made in two years, and without giving, apparently, in this report any reason why the claim should be paid, it simply says because there is a statute of limitations they waive that statute of limitations. What is the object of having the statute of limitations if the moment it is applied, and for no other reason, it is to be waived? I regret that the gentleman from Ohio, who introduced the bill, is not here, because I would like to call his attention, and also the attention of the committee, to the fact that there is no such thing as "Two hundred and thirty-first United States Statutes."

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. POUL. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. I propose an amendment which I think ought to go in. I move to strike out, on page 2, line 3, the word "Statutes" and insert the word "Reports."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, strike out the word "Statutes" and insert the word "Reports."

Mr. MANN. I am not sure whether that is correct or not. The bill says it refers to a case reported in the Two hundred and thirty-first United States Statutes. The report refers to it as reported in the Two hundred and thirty-first United States Reporter. I do not know whether they have reference to the United States Reports or not. Somebody ought to be able to tell. What does the gentleman from North Carolina [Mr. Poul] say?

Mr. SCOTT. There is no such thing as United States Reporter of that number or statute of that number.

Mr. MANN. I assume that my amendment is a correct one.

Mr. POUL. I will say to the gentleman I can not answer his question just at the moment.

Mr. MANN. As there is no such thing in the books as Two hundred and thirty-first United States Statutes, according to my recollection, and there is no such thing as Two hundred and thirty-first United States Reporter, I judge you mean "Reports."

Mr. POUL. I am sure there is not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RICHMOND, FREDERICKSBURG & POTOMAC AND RICHMOND & PETERSBURG RAILROAD CONNECTION CO.

The next business in order on the Private Calendar was the bill (H. R. 16370) for the relief of the Richmond, Fredericksburg & Potomac and Richmond & Petersburg Railroad Connection Co.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Richmond, Fredericksburg & Potomac and Richmond & Petersburg Railroad Connection Co., a corporation created by and organized under the laws of the Commonwealth of Virginia, the sum of \$255.81, the said sum being taxes illegally collected under the excise-tax act of August 5, 1909, for the year ending December 31, 1909.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Chairman, reserving the right to object, of course the distinguished gentleman from North Carolina [Mr. POTTS], with all of the bills on his mind, does not recall the reasons for the payment of these taxes collected from the street railway company. I think that the gentleman from Virginia [Mr. MONTAGUE], who introduced this bill, ought to tell us why we are paying this money back.

Mr. MONTAGUE. As I understand, Mr. Chairman, this money is to be paid back pursuant to the decision of the United States Supreme Court in the case of McCoach, collector of internal revenue, against Minehill & Schuylkill Haven Railroad Co. (228 U. S. Repts., p. 295). The statute of limitations had precluded this case; at least it was not presented until a few months after the statute of limitations had expired.

Mr. MANN. What was the decision?

Mr. MONTAGUE. That the tax was illegally collected. If the gentleman will permit me to say it, the House, on June 12, 1914, passed a bill similar to the one now under consideration, to refund to the Chicago, Milwaukee & St. Paul Railway Co. taxes similarly collected.

Mr. MANN. I will say to the gentleman that the Milwaukee case was different, and there was a complete and full report in that case, showing that on a reexamination of the books by the Treasury officials they had made a mistake theretofore. Whether it was paid under this decision or not, I do not know. What was the decision of the Supreme Court?

Mr. DILLON. Will the gentleman from Virginia yield to me?

Mr. MONTAGUE. Yes.

Mr. DILLON. I have the decision here to which the gentleman from Virginia refers, and I will read the syllabus of the portion that is involved in this case. This comes from Two hundred and twenty-eighth United States Reports, on page 295, and is as follows:

A railway corporation which has leased its railroad to another company operating it exclusively, but which maintains its corporate existence and collects and distributes to its stockholders the rental from the lessee and also dividends from investments, is not doing business within the meaning of the corporation-tax act.

Mr. MANN. I did not quite get that. Do not read it, but tell me what it is.

Mr. DILLON. It comes from the rental of the properties, and the court holds that that is not included within the meaning of the corporation-tax law of 1909.

Mr. MANN. What is not? I would like the gentleman's own statement as to what was the tax that was illegally collected.

Mr. DILLON. Well, I have not gone into the details of this case.

Mr. MANN. I mean from the gentleman's gathering of the opinion.

Mr. DILLON. I simply read the syllabus of the case here. I sent over for it. I have not examined it technically or fully as to the text of the opinion. I simply read the syllabus.

The CHAIRMAN. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. Without objection, the bill will be laid aside with a favorable recommendation.

There was no objection.

MONTGOMERY & ERIE RAILWAY CO.

The next business in order on the Private Calendar was the bill (H. R. 17085) for the relief of the Montgomery & Erie Railway Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Montgomery & Erie Railway Co. the sum of \$45.81 illegally collected from said company under the excise-tax act of August 5, 1909, for the years ending December 31, 1909, and December 31, 1910, by reason of the decision of the Supreme Court of the United States in the case of McCoach, collector, against the Minehill & Schuylkill Haven Railroad Co., reported in Two hundred and twenty-eighth United States Reports, page 295.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM S. COLVIN.

The next business in order on the Private Calendar was the bill (H. R. 12949) for the relief of William S. Colvin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the postal account of William S. Colvin, postmaster at Hamilton, Kans., with the sum of \$424.06 for postal funds and stamps, and with the further sum of \$23.60 for money-order funds, on account of losses resulting from a burglary on November 18, 1910.

Sec. 2. That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$447.66 for the purposes specified in this act.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, Mr. Chairman, apparently this is a case where the postmaster made no attempt to comply with the postal regulations.

Mr. DOOLITTLE. I think he made a bona fide attempt and did comply as best he could with the regulations.

Mr. MANN. Well, here is a statement credited to the postmaster. It is stated by the postmaster in his affidavit here:

Stamps and money lost by this robbery were in the safe, and the bolt was turned on. The safe could be opened without working the combination.

That is one statement. Another is:

The stamps and money were in the safe, and the lock was turned on, but the combination was not turned.

Mr. DOOLITTLE. There was a reinspection, in which the whole matter was gone over again; and I remember he stated in his affidavit that the safe was locked. The inspector made a report that it was not entirely locked.

Mr. MANN. I have not been able to find any such statement as that in the report. Here is a letter from the Postmaster General, dated May 25, 1914, and apparently the Postmaster General had never heard of such a statement.

Mr. DOOLITTLE. Mr. Colvin has always complained of the report made by the inspector, and I am satisfied that, regardless of the locking of that safe down there in this little fourth-class post office, where the loss was possibly as much as the entire annual salary, it would have made no difference. The burglar could have gone right on in, anyhow. It was one of those little fireproof safes not even advertised as being burglar proof.

Mr. MANN. Oh, whether it is advertised to be burglar proof or not, the postmaster is appointed and he knows what the regulations are, and he is frequently informed by the inspector as to what he must do with the money and postage stamps. He must put them in the safe and lock the safe. This man put them in the safe and did not lock the safe, and they were taken out of the safe. Now he seeks to excuse himself by saying that if he had locked the safe the burglar would probably have broken it open.

Mr. DOOLITTLE. That is what I said; those are my words, not his.

Mr. MANN. In that case you might just as well say you should leave the money lying out on the table, because he could break in and get the money, anyway.

Mr. DOOLITTLE. Those were my words about the burglar getting the money, anyway.

Mr. MANN. That is what the postmaster stated. I am not taking the gentleman's words. That is the excuse he gave for not locking the safe. He said that if the safe had been locked it would doubtless have been blown open and destroyed. That may be considered a very good reason for never locking the safe, but it hardly appeals to me.

Mr. DOOLITTLE. Does the gentleman think that this postmaster should stand this loss where he made a bona fide effort to comply with the regulations?

Mr. MANN. But he did not make a bona fide effort to comply with the regulations. He did not attempt to lock the safe. He said it was a hard lock to handle, and therefore he did not try to lock it.

Mr. DOOLITTLE. He was afraid he could not get it open, or something of that kind.

Mr. MANN. He ought to have had somebody there who could open it.

Mr. DOOLITTLE. I hope the gentleman will not object to the consideration of the bill.

Mr. MANN. Oh, "Hope springs eternal in the human breast."

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The CHAIRMAN. Objection is made. The Clerk will report the next one.

HENRY WEAVER.

The next business in order on the Private Calendar was the bill (H. R. 16305) to reimburse Henry Weaver, postmaster at Delmar, Ala., for money and stamps stolen from said post office at Delmar and repaid by him to the Post Office Department.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry Weaver, of Delmar, Ala., out of any money in the Treasury not otherwise appropriated, the sum of \$94.67, the amount of money and postage stamps stolen from the post office at Delmar, Ala., on the night of September 26, 1910, while he was postmaster at Delmar, and which money and stamps belonged to the said post office, and which said sum he was required to repay, and did repay, to the Post Office Department of the United States.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be laid aside with a favorable recommendation.

ANATASIA HOGAN.

The next business in order on the Private Calendar was the bill (H. R. 14956) to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$72.54 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing Anatasia Hogan, postmaster at Kegg, Bedford County, Pa., for money and stamps stolen from that office by burglars March 7, 1910, the said Anatasia Hogan having made good the loss to the Post Office Department out of her own funds by the payment of the aforementioned sum to an inspector of the said department February 28, 1912.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, Mr. Chairman, here is a case where there is no pretense that the regulations were complied with. The excuse for it is that at the time the burglary occurred the mother of the claimant, the claimant being the postmistress, was at the point of death and died shortly after the burglary. The postmistress on that account was spending the night at her mother's house and did not remove the stamps and money from the post office. Of course, that is a good reason for spending the night at her mother's house; but is that a reason why the Government should take the chances on the loss?

Mr. BAILEY. Well, Mr. Chairman, it may not be a very good reason. The postmistress was undoubtedly under great stress at the time. She had no safe in the office, and never had one.

Mr. MANN. I understand; it is not a case of a safe.

Mr. BAILEY. The stamps had to be kept in her bedroom. Under the stress of sickness in her home she forgot the ordinary duties and was thinking only of the duty she owed to her mother. I suppose that all the regulations were violated in that instance. This is a case of pure charity, I think, to a deserving woman.

Mr. MANN. Well, Mr. Chairman, I was once in charge of a country post office, and I violated the regulations all the time in reference to keeping money, because I thought I could keep it more safely without complying with the regulations than I could by complying with them; and I was frequently notified by the department that the postmaster would be dismissed because I violated the regulations. But I knew I was taking my chances on it. I thought it was safer to keep the money in a bank than it was to keep it in my jeans. The Post Office Department had a regulation that I should carry it in my pocket instead of putting it in a bank. Well, I put the money in a bank, but I took the chances. If the money was lost, I did not expect that I would ask the Government to reimburse me for it.

Mr. BAILEY. We are bound to allow something to a woman that we would not allow to a mere man.

Mr. MANN. We are getting to that point now where we are going to give women the right to vote and everything else and put them on an equality in business with everybody else.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BAILEY. I offer an amendment. There is an error in the bill in not including all that was taken.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 1, line 3, after the word "of," strike out "\$72.54" and insert in lieu thereof "\$84.54."

Mr. BAILEY. That was the amount that was lost.

Mr. MANN. This bill proposes to reimburse her for the postage stamps that were lost, but not for the money that was taken.

Mr. BAILEY. There was \$12 in postal funds.

Mr. MANN. Oh, well, I know; but there is absolutely no excuse for paying her the money. If we reimburse her for the stamps that were lost, I think she is in great luck.

Mr. BAILEY. Well, if the gentleman objects, I will withdraw the amendment.

Mr. MANN. No; I am not objecting.

The CHAIRMAN. The gentleman withdraws the amendment. The question is on laying aside the bill to be reported to the House with a favorable recommendation.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ESTATES OF JOHN FRAZER AND ZEPHANIAH KINGSLEY, DECEASED.

The next business in order on the Private Calendar was the bill (H. R. 12679) to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazer, deceased, and of the estate of Zephaniah Kingsley, deceased.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction be, and is hereby, given to the Court of Claims (notwithstanding any statutory bar of limitations) of the claims of the estate of John Frazer, deceased, and of the estate of Zephaniah Kingsley, deceased, known as east Florida claims, and which were the subject of and provided for in the treaty of 1819 between the United States and Spain, to provide for the complete execution of the ninth article of the said treaty, with power to find the facts therein and to render judgment against the United States in accordance with the law of nations for the unpaid portion or residue of the awards as made for said claimants by the judges of the Superior Court of St. Augustine, in the Territory of Florida, and by the judge of the District Court of the United States for the Northern District of Florida, under and by virtue of the acts of Congress passed to carry into effect the ninth article of said treaty.

Sec. 2. That in considering the said claims the Court of Claims is directed to consider the findings of fact and all evidence submitted to and now on file within the United States or of record with and on which said awards were in whole or in part based.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, in view of the fact that this bill seeks to confer upon the Court of Claims authority to reverse a decision of the Supreme Court of the United States, various decisions of Secretaries of the Treasury, and the opinions of various Attorneys General, it seems to me that some one ought to explain the purpose of the bill.

Mr. FOSTER. As I understand, the statute of limitations has barred this claim here.

Mr. MANN. Inasmuch as it arises out of a treaty of 1819 it is quite likely that it has been barred; but I do not know. Gentlemen were trying the other day to pay some claims that were a hundred years old, and the statement was made that they were not barred.

Mr. FOSTER. This is with the intention of recovering interest on a claim the principal of which was allowed at that time, is it not?

Mr. MANN. Oh, much more than that.

Mr. FOSTER. I thought that was one of the principal things.

Mr. MANN. That is one of the things; but the Supreme Court of the United States decided one way, various Secretaries of the Treasury decided the same way, and various Attorneys General decided the same way. This seeks to reverse the whole theory of the case.

Mr. FOSTER. This is a recall of decisions.

Mr. MANN. Yes. The Supreme Court decided in this case that the Secretary of the Treasury had authority to do or not to do, and the Secretary of the Treasury decided against the claims several times, as I now recall, under opinions of the Attorney General. I dislike very much to object to all these bills, but I think somebody ought to be prepared to give some reason for passing a bill like this.

The CHAIRMAN. Is there objection to the present consideration of this bill?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects.

W. W. TAYLOR.

The next business in order on the Private Calendar was the bill (H. R. 17028) for the relief of W. W. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. W. Taylor, of Whitefish, Mont., the sum of \$316, to compensate him for surgical and hospital services rendered Mary Bull, an Indian ward of the Government.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman who has charge of the bill whether he thinks the Government whenever an Indian gets drunk and gets injured ought to pay the doctor's bill, whoever the doctor may be?

Mr. EVANS. I do not think so, necessarily. I think this particular claim ought to be paid, for the reason that this doctor was called in. He had nothing to do with the matter. He found a woman mangled by a train, and he took her to the hospital and cared for her. She was a ward of the Government. It was an act of humanity. He had either to let the woman die or render the service.

Mr. MANN. I would have very little respect for a doctor, and I would not be willing to pay him a cent, if he took the position that he would let some one die because he did not know who was going to pay the bill, in a case where a leg had been cut off.

Mr. EVANS. He did not take that position. He took the woman to the hospital and paid the hospital bill.

Mr. MANN. He took the woman to the hospital, but I do not suppose he paid the hospital bill, although he has put in a bill for it.

Mr. EVANS. He is responsible for it.

Mr. MANN. He was one of the officials of the hospital, was he not?

Mr. EVANS. I do not think he was. This was a charity hospital, and he was a doctor there at Whitefish.

Mr. MANN. This is a case where an Indian woman got drunk and lay down on the track of the Great Northern Railway, and a train struck her and cut off her leg. The doctor was called and took her to a hospital, as any humane doctor ought to do. Supposing it had been a white man, would the Government have to pay that bill?

Mr. EVANS. No; I do not think so.

Mr. MANN. Why does the Government have to pay this bill then?

Mr. EVANS. Because this woman was an Indian and a ward of the Government, and I think the Government is responsible to a degree for the care of these people in case of sickness and accident.

Mr. MANN. No; the Government is not responsible at all. I do not even know whether this woman belonged to an Indian tribe or not. There is no information here on that subject, nor whether the Indian tribe had any funds, nor whether the funds are liable for any services rendered to the Indians. Does the gentleman claim that when an Indian comes to Washington and gets drunk and gets injured the Government has to pay the doctors who attend him?

Have we reached that point where whatever happens to an Indian they can come to the Treasury of the United States for reimbursement?

Mr. EVANS. I do not think so, Mr. Chairman, but this case does appeal to me.

Mr. MANN. I think the doctor has appealed to the gentleman.

Mr. EVANS. I think that some one should take care of this party, the Indian being a ward of the Government.

Mr. MANN. I suppose if this person had been a white person without money precisely the same thing would have been done that was done in this case.

Mr. EVANS. I anticipate that that is so.

Mr. MANN. If anybody is to pay the bills, it ought to be the municipal authorities of the city or of the State of Montana. Doctors have to furnish more or less services of this kind free, and they aim to make it up off the rich, because they made their bills according to the size of the pile of the patient.

Mr. EVANS. I take it from the report of the Indian Office that if they had had any funds available they would have paid the bill. They thought the bill was a just bill, but said they had no funds. The matter was investigated by the Indian agent.

Mr. MANN. They said that there was no fund applicable for the payment of this matter, but whether there were any funds that could be appropriated I do not know.

Mr. FOSTER. I notice that the railroad company paid \$40. If there was no liability, why did they pay \$40?

Mr. EVANS. I do not know. They paid that much and declined to pay more.

Mr. CANTOR. There is no liability in this case on the part of the Government.

Mr. FOSTER. No; it would be just a gift.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

GOSHEN & DECKERTOWN RAILWAY CO.

The next business in order on the Private Calendar was the bill (H. R. 17086) for the relief of the Goshen & Deckertown Railway Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Goshen & Deckertown Railway Co. the sum of \$158.41, illegally collected from said company under the excise tax act of August 5, 1909, for the years ending December 31, 1909, and December 31, 1910, by reason of the decision of the Supreme Court of the United States in the case of McCoach, collector, against the Mine Hill & Schuylkill Haven Railroad Co., reported in Two hundred and twenty-eighth United States Reports, page 295.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

PATERSON & HUDSON RIVER RAILROAD CO.

The next business in order on the Private Calendar was the bill (H. R. 17074) for the relief of the Paterson & Hudson River Railroad Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Paterson & Hudson River Railroad Co. the sum of \$481, taxes illegally collected under the excise tax act of August 5, 1909, for the year ending December 31, 1909, under the decision of the Supreme Court of the United States in the case of McCoach, collector, against the Mine Hill & Schuylkill Haven Railroad Co., reported in Two hundred and twenty-eighth United States Reports, page 295.

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

PRESTON B. C. LUCAS.

The next business in order on the Private Calendar was the bill (H. R. 1108) for the relief of Preston B. C. Lucas.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Preston B. C. Lucas the sum of \$500, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The CHAIRMAN. Is there objection?

Mr. FOSTER. Reserving the right to object, I think we ought to have some explanation of this matter.

Mr. HAWLEY. This claim arises out of the resurvey of public lands. Mr. Lucas took a homestead claim, on which he made proof in 1906. This land had been surveyed by the Government in 1898 and the corners established as Mr. Lucas had found them when he filed on the land. He had taken the lines as they had been established by the survey of 1889. He built his house and other improvements on the corner where there was a little stream furnishing good water and where there was a good piece of land to cultivate.

After he had filed on the land, proved up on it under the survey, and got his patent, the question was raised as to the accuracy of the survey of 1898. Another party filed on a piece of land just north of his and claimed that the improvements made by Lucas was on the land of the second party and to which he was properly entitled.

The question of the line between the two claims was tried out in the court after the county surveyor had run the lines over again and reestablished the corners, and the court and the surveyor decided in favor of Mr. Lucas. The party who made the second entry appealed to the United States Government Land Office, on the ground that a former survey had been made in 1878, and that under the survey of 1878 the land as entered by the second entryman should be delimited by the survey of 1878 instead of the survey of 1898. A deputy inspector of surveys was sent out and decided on the lines of the original survey. That took away from Mr. Lucas some 20 acres of his patented land with all of his improvements on it. He took every precaution before locating his house or improvements. He privately employed a surveyor to go over the lines, and went

down to the land office in Portland and examined the records, and there found that the second survey had been made in 1898, accepted by the Government, and paid for. I do not know whether he was aware of any former survey or not, but he knew about the latest survey accepted by the Government, and undoubtedly, in his mind, that was the final and controlling survey.

Mr. FOSTER. As I understand from the reading of the report, he settled on this land and, as he thought, had gotten a piece of land described by the surveyor of the United States, and afterwards some one filed a claim to a part of the land which this man claimed belonged to him.

Mr. HAWLEY. Yes.

Mr. FOSTER. And he secured the services of the county surveyor, and he went over the land and found that the lines were 20 rods over on Mr. Lucas, and thereby the other party secured some of the improvements that were made on the land.

Mr. HAWLEY. Mr. Lucas went on the land and located his entry under the survey of 1898, which lines were run by Branson in that year. That survey was accepted by the Government, paid for, and became public notice to everybody that that was the survey and boundary of that particular quarter section. Mr. Lucas proved up on it and got his patent. After all this happened, the party locating north of Mr. Lucas raised the question that the Branson survey was not the true line; that there had been a former survey in 1878 by Meldrum. The question of what the county surveyor may have done would have no bearing on this question as far as the United States Government was concerned.

But Mr. Lucas, as I said before, took every precaution to ascertain where the line established by the United States ran. After he had proved up and gotten his patent this person on the north, claiming the Meldrum line was the true line, asked the United States Government to rerun the line or reexamine the surveys, and go out there and establish a line. That examiner was assigned to do the work, and he went out there and decided in favor of the Meldrum line, run in 1878, as against the Branson line, run in 1898, and that decision of the examiner as between the two lines took away some 20 acres of land patented to Mr. Lucas.

Mr. FOSTER. This man knew about the two surveys when he went onto the land.

Mr. HAWLEY. I have no special word from him, but I think that it might be supposed that he had some knowledge that there was a former survey.

Mr. FOSTER. He knew the two surveys differed, and he took his chances on the last survey, as I understand.

Mr. HAWLEY. Mr. Chairman, if the gentleman will permit, when the Government makes a resurvey of a piece of land, that is almost uniformly accepted as the real survey. It is rerun on account of the corners of the original survey having been obliterated, the witness trees destroyed, or some other thing having happened that makes the former survey no longer traceable. Then they send out a man to resurvey the line, and the new or latest survey is the official survey in almost every instance. I know of a number of resurveys, and I do not recall of any case other than this one where they have held the second survey was not the official survey, and it was put on the records of the Government and became public notice to everybody that that was the boundary line.

Mr. FOSTER. That was the second survey?

Mr. HAWLEY. Yes.

Mr. FOSTER. But it seems the man did not take any precaution to find out which one was right.

Mr. HAWLEY. Oh, he took every precaution. He made every examination as to where the lines were, and went to the land office in Portland and got in touch with the officials there, or did so through his representative, I have forgotten which, and they told him about the Branson survey and where the lines ran.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. MONDELL. Perhaps the record discloses the fact, but I have not gone over it carefully. Can the gentleman tell me when the entryman discovered that his lands were north of the tract which he had sought to enter?

Mr. HAWLEY. After he got his patent.

Mr. MONDELL. In the meantime had some one settled upon the other tract?

Mr. HAWLEY. Yes; after he had gotten his patent.

Mr. MONDELL. And this other man was claiming the land on which his improvements were?

Mr. HAWLEY. Yes.

Mr. MONDELL. And the other party did hold the improvements and utilize them?

Mr. HAWLEY. Yes. The other party, after the Government decided in favor of the Meldrum survey, was sued by Mr. Lucas in the State district court for the value of the improvements in order that he might exhaust every remedy he had in the local courts, and the court held that Mr. Lucas was damaged without recourse, and that the party taking the new claim to the north was entitled to the improvements, and he has them now without any compensation to Lucas.

Mr. MANN. Did not Mr. Lucas win the suit?

Mr. HAWLEY. That was about the boundary, but not about the improvements.

Mr. MANN. May I ask the gentleman a question?

Mr. HAWLEY. Yes.

Mr. MANN. As I understand this case, Mr. Lucas made a homestead entry, and made it in accordance with the boundary line as fixed by the surveyor who had surveyed a certain township under contract with the Government?

Mr. HAWLEY. Yes.

Mr. MANN. And that surveyor had fixed the northern boundary line of that township on a certain marked line, and he ran his homestead entry up to that north line?

Mr. HAWLEY. Yes.

Mr. MANN. And that the Government also had another surveyor under contract to survey the township to the north, and that surveyor had fixed the south boundary line of the township to the north farther south than the Lucas surveyor, if I may use that term, had fixed the northern line of the township?

Mr. HAWLEY. Yes.

Mr. MANN. So that there was an overlapping of the township lines?

Mr. HAWLEY. Yes.

Mr. MANN. And that subsequently the Government sent a new surveyor there and he established the township line as true, according to the southerly boundary of the township lying to the north?

Mr. HAWLEY. Of the first survey.

Mr. MANN. That being the case, does the Government, when it makes a survey of land, insure the correctness of that survey?

Mr. HAWLEY. When the Government makes a survey of lands and accepts entries by an entryman and the entryman goes on the land and puts on valuable improvements, the Government, after he has gone on there and accepted the survey last established by the Government, the one most plainly marked, ought not to deprive him of that land.

Mr. MANN. But the Government does not deprive him of any land, for he never had it.

Mr. HAWLEY. Oh, yes; they patented it to him.

Mr. MANN. Oh, no; the Government patented him the northeast corner of a certain section, if it happened to be the northeast corner.

Mr. HAWLEY. But the patent run under the last survey.

Mr. MANN. The patents do not say under the last survey. The patent runs describing a certain piece of a section in a certain township. I dare say that the Government surveys throughout the portion of the country where I was raised have all been corrected, that there is not a single line now running the way it ran 75 years ago, and that no one of them was absolutely accurate; and I dare say that very few of them are accurate now. What does the Government do? It lets a contract to a surveyor to go and survey so much for a certain consideration on a contract basis. There is no guaranty on the part of the Government that the surveys so made are absolutely accurate and they never are. Now, does the Government become a guarantor when it gives a man a piece of property that the survey which the Government has caused to be made, according to a time-established custom, must be accurate, and, if not accurate, must the Government pay the man any damage that he has been put to or any damage for property that he loses?

Mr. HAWLEY. When the Government establishes a survey and accepts an entry under it and a man makes improvements on it, and then it is resurveyed in order to establish a true line, and the man makes every possible effort to find out where the true line runs, and the Government issues to him a patent on that land as applied for under the latest accepted survey, it ought not thereafter to change the line last run, plainly established and accepted by the Government, and thereby deprive him of a portion of the land, especially that on which his improvements are made, and give it to some other person who makes entry after this first entryman has received patent.

Mr. MANN. Of course the Government ought to have people who do everything perfectly, but the Lord has not made that kind yet. Now, you have two sets of surveyors working toward the same line. One of them establishes a line at a certain place

and the other one, coming from the other direction, establishes what should be the same line a few feet away. Of course that is inaccurate, but that has been the way the world over from time immemorial. Of course the Government does not guarantee that is correct—

Mr. FOSTER. The Government in issuing a homestead patent does not guarantee.

Mr. MANN. No; it does not state what the line is.

Mr. FOSTER. It does not give the line—

Mr. HAWLEY. Oh, yes; the Government does give the line.

Mr. FOSTER. It gives the patent—

Mr. MANN. By description.

Mr. FOSTER. By description.

Mr. HAWLEY. No; it goes further than that. You can not make entry before the land is surveyed and the survey accepted. The surveyor comes and makes a survey and the examiner approves it and the General Land Office accepts it. The Government establishes the lines, and under the established lines the entryman is entitled to make his entry. So the Government establishes the lines before the entryman gets the land, and the Government ought not to change the boundary and deprive the man of his land after he goes on the land, proves up on it, and receives patent for it as applied for under a survey accepted by the Government.

Mr. FOSTER. I do not believe we ought to establish such a question by this kind of a bill.

Mr. MONDELL. Mr. Chairman, reserving the right to object, the gentleman from Oregon is correct that ordinarily the Government does guarantee to a man the monumented area that he enters. That is the only guaranty they can give him, that if he enters a piece of land that is described correctly, the land he receives is the tract as monumented. It may be described differently on a plat somewhere, but the land he receives is the land that is monumented. The Government does not guarantee the acreage. There may be more or less, but it does guarantee him that the land within certain limits is his. This is a very unusual case. There are very few cases of this sort where one survey overruns another and both surveys are accepted, or where there have been two Government surveys overlapping each other, both approved. I know of many cases where there is a hiatus between township and range boundaries. I do not remember having heard of a case where township boundaries of accepted surveys overlapped each other with monuments in place. There is certainly an equity here, and it is not the sort of case that is going to occur very often, though there are many cases where there is a question as to the location of the lines of survey and where the determination by the settler as to survey corners is afterwards proven to be erroneous.

Mr. HAWLEY. Where the change was made and in reference to not finding the corners.

Mr. MONDELL. There are many cases where it is practically impossible to find the corners and he afterwards suffers serious loss by reason of that fact.

Mr. HAWLEY. This is on the Government corner.

Mr. MONDELL. This is a case where there is no doubt about the Meldrum survey having been accepted, and Meldrum was a man who made a good many surveys for the Government and has a good reputation, as I recall it, as a surveyor. Then there came a subdivision survey, where a man was supposed to have closed on the Meldrum line. The Government assumed that its agent closed on the Meldrum line or the survey would not have been accepted. As a matter of fact, he did not close on the Meldrum line, but ran beyond it. The Government is clearly bound by what he did. It established two separate and distinct surveys. It is a very unusual case, and it is not a case that will establish a serious precedent. In many years experience in public-land matters and in public-land States I do not recall I ever heard of just such a case. This man located on land as the Government described by monuments. There is no question about that. Then a Government surveyor came along, and they held that the former survey was the official township line and must stand. The Government saw fit to accept the Meldrum or former survey as the official survey, and in so doing they deprived this man of property that had been patented to him.

Mr. DILLON. Mr. Chairman, I made somewhat of an investigation of this claim as a member of the subcommittee. As I understand the facts, they are these: The Meldrum survey was made in 1878, and the township lines were established; the Government accepted the survey of the township lines. In 1898 Branson became the surveyor of the interior sections of the township and made a survey of the same, and when Branson made his survey the Government accepted it. Mr. Lucas made his filing and received his patent under the Branson survey. Now, they had a suit in court, Lucas winning the suit. The patent was issued to him. The party who borders him on

the north claimed that the corner was farther north, and he appealed to the department. The department then ordered a re-tracing of the township lines, and Mr. Douglass was sent there for that purpose—to ascertain where the true corner was on the township line—and when that was ascertained it was moved farther south. That survey was approved, and they deprived Mr. Lucas of his land. It seems to me that this is an equitable claim.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. FOSTER. I object, Mr. Chairman.

F. W. SCHULTZ.

Mr. DILLON. Mr. Chairman, I ask unanimous consent to go back to the bill H. R. 15513, No. 318 on the calendar, for the relief of F. W. Schultz.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to return to No. 318 on the calendar. Is there objection?

Mr. FOSTER. Reserving the right to object—

Mr. MANN. Reserving the right to object, what is that claim?

Mr. DILLON. The gentleman from Minnesota [Mr. SMITH] made an objection, and I ask to return to it in order that it may be reconsidered.

Mr. FOSTER. What is that?

Mr. DILLON. That is a post-office case, No. 318' on the calendar.

Mr. FOSTER. I object to that myself.

ESTATES OF JOHN FRAZER AND ZEPHANIAH KINGSLEY, DECEASED.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent to go back to the bill which is No. 330 on the calendar, H. R. 12679, to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazer, deceased, and of the estate of Zephaniah Kingsley, deceased.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to revert to bill with calendar No. 330. Is there objection?

Mr. MANN. Reserving the right to object, what does that mean—to ask unanimous consent for its consideration?

The CHAIRMAN. The gentleman asks to revert to it.

Mr. MANN. I have no objection to having the question stated again as to whether or not there is objection. I do not wish to foreclose.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to revert to Calendar No. 330. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 12679) to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazer, deceased, and of the estate of Zephaniah Kingsley, deceased.

The CHAIRMAN. The bill has already been reported. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

Mr. CLARK of Florida. Mr. Chairman, will not the gentleman withhold his objection?

Mr. MANN. I will reserve the right to object.

The CHAIRMAN. Does the gentleman from Florida [Mr. CLARK] desire to make a statement?

Mr. CLARK of Florida. Mr. Chairman, I think there must have been some misunderstanding as to the purpose of this bill. I want to state to the gentleman from Illinois [Mr. MANN] that I think he misunderstands its purpose. The bill, Mr. Chairman, is simply to refer to the Court of Claims this case for the purpose of having the court consider the unpaid portion or residue of the awards heretofore made. It is not a question of interest; it is not a question of the Government paying interest to a private claimant, but it is for the purpose of the Government paying a portion of an award which has absolutely been made. And I might talk for a great length of time and I think I could not make it any plainer than that. I sincerely trust the gentleman will not object, but will let this matter go to the Court of Claims. The court can investigate the whole situation, and if a part of the award has not been paid and the Government still owes that portion of the award, the Government ought to pay it. It is not a question, as I stated a moment ago, of a private individual seeking to recover interest upon a claim against the Government, but a private individual seeking to recover a portion of an award given against the Government which has never been paid. And I hope the gentleman will allow the court to pass on it.

Mr. MANN. Mr. Chairman, of course my information in regard to the bill comes from the report. In this case I know nothing whatever about the bill except from the report and gen-

eral historical information which we all have in reference to the treaty under which we acquired Florida. I notice the report says that by the treaty of 1819 between Spain and the United States, by which Spain ceded Florida to the United States, the United States was obligated to make full satisfaction to the citizens of Spain for injuries by the unlawful operations of the American Army in Florida. Congress provided that these claims should be examined and adjusted by the judges of the courts of Florida, and the awards were made for the claimants. The judges allowed damages, and as a part of the damages they allowed interest on the value of the property destroyed.

The Treasury Department paid the face or principal value of the judgment, but refused to pay that part of the damages which was assessed as interest. This ruling was made by the then Secretary of the Treasury. It has frequently been followed by other Secretaries of the Treasury. Opinions of the Attorneys General, various ones, have been given, sustaining the ruling of the Secretary of the Treasury, though Daniel Webster, according to the report, thought that it should be paid. The question went to the Supreme Court of the United States, and that court decided that it was for the Treasury Department to determine. Now, the only claim they wish to refer to the Court of Claims is the right to recover interest on these awards. Of course, if there is any reason for the Government paying interest on the original awards, there is the same reason for our paying interest on the interest from 1819 down to date. There might be the same reason for compounding, although I will not say that. It might be quite a tidy sum by now.

Mr. CLARK of Florida. Mr. Chairman, if the gentleman will permit me, this is not a claim for the interest on the awards.

Mr. MANN. That is what the report says it is.

Mr. CLARK of Florida. No; I beg the gentleman's pardon.

Mr. MANN. Let me read what the report says. I think the gentleman must have been reading some other portion of the report. I read:

In those cases in which awards were made for claims the judges allowed damages and, as part of the damages, interest on the value of the property destroyed.

Mr. CLARK of Florida. Which became a part of the awards.

Mr. MANN. Well, that is interest.

Mr. CLARK of Florida. There was no award until the court rendered its decision.

Mr. MANN. There was no legal award in that case at all.

Mr. CLARK of Florida. We are not claiming the interest on the award.

Mr. MANN. The gentleman is claiming interest on the value of the property which was destroyed. I read again from the report:

The Treasury Department paid the face or principal value of these judgments, but refused to pay that part of the damages which was assessed as interest.

Now, I do not guarantee the correctness of the report, which I assume the gentleman from Florida had something to do with preparing.

Mr. CLARK of Florida. No; I had not.

Mr. MANN. He should have had. In a complicated case like this a gentleman introducing a bill ought to see that the report is correct. That is what the report stated.

Mr. CLARK of Florida. Well, I had seen the report before it was made.

Mr. MANN. The Treasury paid the principal of this judgment, but refused to pay that part which was assessed as interest. Is there any more reason why we should pay interest from 1819, when this property was destroyed, down to 1834 than there is why we should pay interest during the balance of the time? The interest on this sum, if compounded, whatever it was to begin with, would amount to quite a tidy sum. Now the gentleman proposes to send this to the Court of Claims in a way where the judgment has no chance at all. As the boys say, it "would not have a show for its white alley." It is fixed so that the Court of Claims would be required to enter judgment.

Mr. CLARK of Florida. Mr. Chairman, if my friend will permit me—

Mr. MANN. I was trying to obtain information.

Mr. CLARK of Florida. I want to say this, if the gentleman will permit me—the record says this:

By the treaty of 1819 Spain ceded Florida to the United States. The ninth article of that treaty obligated the United States to make full satisfaction to the citizens of Spain for the injuries by the unlawful operations of the American Army in Florida.

Now, the United States assumed that obligation to pay to the citizens of Spain the damages which had accrued to them by the unlawful operations of the American Army in Florida. These cases went to the courts of Florida, and in these cases in which the awards were made for claims the judges allowed

damages, and, as part of the damages, interest on the value of the property destroyed.

Now, this was a question of two nations dealing with each other, not a question of a claim of a private citizen in the beginning as against the Government of the United States or any other Government. They were adjusting the claims of one nation as against the other, and the court, in construing this ninth article of the treaty, held that these parties were entitled, as a part of the damages, to interest up to the time that the awards were made.

Now, there is no pretense here of claiming interest on the awards that were made, but an accounting officer of the Treasury saw fit to eliminate the interest up to the time of the award and simply paid the principal amount of the damages, the actual value of the property, whatever it was.

Mr. MANN. Do I understand that the gentleman from Florida thinks these were judicial awards—judgments that were entered?

Mr. CLARK of Florida. These were awards made by the courts of Florida.

Mr. MANN. Well, the gentleman is in error.

Mr. CLARK of Florida. I think not.

Mr. MANN. Congress provided for the judges—

Mr. CLARK of Florida. In these claims where awards were made to the claimants the judges allowed damages, and, as part of the damages, interest on the value of the property destroyed.

Mr. MANN. That is correct, that Congress provided in 1832 or 1834, or about that time—

Mr. CLARK of Florida. In 1823 and in 1832 and 1834 it provided that the claims should be examined and adjusted by the judges of the courts of Florida named in the acts.

Mr. MANN. They could not render judgments. That was the very thing that the Supreme Court of the United States decided.

Mr. CLARK of Florida. The Supreme Court decided that they had no jurisdiction.

Mr. MANN. I beg the gentleman's pardon. The Supreme Court decided that the judges of the courts of Florida could not render judgments. They could make findings of fact; that those findings of fact were reviewable by the Secretary of the Treasury; and the Secretary of the Treasury, reviewing the findings of fact, allowed the face of the claim as awards.

Mr. CLARK of Florida. Yes.

Mr. MANN. And declined to allow the interest. Now, they took the case to the Supreme Court for the purpose of getting these awards declared to be judicial awards and not within the control of the Secretary of the Treasury. The Supreme Court decided against them. I should like to ask the gentleman a question. Here are the French spoliation claims, arising under a treaty of 1803, I believe, with France, by which this country bound herself to pay the damages of our merchant-marine owners in the contests between this country and France. We have paid some of them. We have findings in a good many. Does the gentleman think that if we pay them we ought to pay interest on them? The cases are on all fours.

Mr. CLARK of Florida. Mr. Chairman, I think that if the Government of the United States establishes a tribunal to adjust claims of this character between one nation and another, which claims the United States assumes, the United States in all honor ought to be bound by the decisions of its own tribunal, created by itself, acting for it, having knowledge of all of the facts, and when that tribunal makes an award the United States ought surely to keep faith.

Mr. MANN. Agreeing with the gentleman entirely and finding that the Supreme Court of the United States has decided that the tribunal of last resort in this case was the Secretary of the Treasury and that we have paid all claims that the Secretary of the Treasury found to be due, why is not the gentleman willing to take that decision, which he says we ought to take?

Mr. CLARK of Florida. Does the gentleman say the Supreme Court of the United States ever decided that this interest ought not to be paid up to the time of the award?

Mr. MANN. The Supreme Court never decided one way or the other about it.

Mr. CLARK of Florida. No; they held that they had no jurisdiction.

Mr. MANN. They held that it was within the control of the Secretary of the Treasury.

Mr. CLARK of Florida. If the gentleman will permit me, a case involving the point was taken to the Supreme Court, which held that they had no jurisdiction of the matter. That was the case of the United States v. Ferreira (14 How., 40, 47).

Mr. MANN. I do not know what the gentleman is reading from.

Mr. CLARK of Florida. I am reading from the report.

Mr. MANN. They entertained jurisdiction of the case. They decided the case. To say that they had no jurisdiction of the case is idle.

Mr. CLARK of Florida. I am reading from the report.

Mr. MANN. They said they had no jurisdiction to render judgment, because it was a matter not for the courts, but for the administrative officers. Now, the gentleman seeks by an act of Congress to reverse that decision of the Supreme Court.

Mr. CLARK of Florida. If the gentleman will permit, I am going to read all of this.

Mr. MANN. I hope not all of that decision.

Mr. CLARK of Florida. No; all of this paragraph of the report:

A case involving the point was taken to the Supreme Court, which held that it had no jurisdiction of the case. (U. S. v. Ferreira, 13 How., 40, 47.) The court, however, proceeded to render an opinion in the case, holding that the power of revision and control had been vested in the Secretary of the Treasury. If the court had no jurisdiction in the case, then it would seem that any opinion it might give therein would be nothing more than a mere dicta and not law.

Mr. MANN. The gentleman is reading the opinion of an attorney now.

Mr. CLARK of Florida. I am reading the report, with which I agree. Here is the Court of Claims, organized by the United States; and surely we can trust the Court of Claims to do ample and exact justice in this matter. These are old matters that have been hanging for years. There has been no laches on the part of these claimants, and I wish the gentleman would not object, but that he would let this matter go to the Court of Claims, and let that court say whether or not the Government, under the law, is bound to pay this part of the award, interest up to the time of the making of it, if the gentleman desires to call it interest, but no interest on the award itself. They held that that was a part of the measure of damages up to that time, and rendered the award accordingly. I think the gentleman—

Mr. MANN. It is really impossible—

Mr. CLARK of Florida. The Government can risk nothing by allowing this to go to the Court of Claims.

Mr. MANN. I am really becoming convinced that the gentleman from Florida is in earnest in urging this. I thought at first that it was pro forma.

Mr. CLARK of Florida. I am in earnest.

Mr. MANN. I am now convinced that the gentleman is in earnest.

Mr. CLARK of Florida. I have quite a number of constituents who have claims of this character.

Mr. MANN. They ought to put them in a basket with the French spoliation claims.

Mr. CLARK of Florida. No. The gentleman must know that this question is by no means free from doubt. Here was Daniel Webster differing entirely from these accounting offices of the Treasury.

Mr. MANN. I suppose he had the French spoliation claims in mind.

Mr. CLARK of Florida. I would rather take his legal opinion than that of some others. But be that as it may, it certainly envelops the whole situation in doubt, and these claimants will be here hammering at Congress for years and years to come unless a case like this can go to the Court of Claims to be judicially determined once and for all. I can not for the life of me see any possible objection to that.

Mr. MANN. Would the gentleman be willing to add to this bill a provision that the French spoliation claims should go to the Court of Claims with authority to render judgment?

Mr. CLARK of Florida. That would simply mean to kill the bill. The gentleman knows that.

Mr. MANN. Oh, well. I would not be in favor of doing it myself, if the gentleman would. Do not misunderstand me.

Mr. CLARK of Florida. If those cases came here for a hearing I should expect to pass on them in view of the facts in the case. These are the facts in this case: These people believe they are entitled to this money. There is certainly doubt as to whether they are or not, and I believe this great Government ought to be fair in this matter.

I think there is too much of a disposition in the House to attempt here to keep the courts of the country from passing on claims against the Government. I want to say that the Government of the United States ought to do what the Government requires the citizens of this country to do. A citizen of the country is forced into court. He must abide by its decision. Here are a great number of cases dependent on the settlement of this one principle. What harm can there be to allow the Gov-

ernment to go into its own court with its own citizens and determine the question as to liability once and for all? The Government ought to do right when the Government expects the citizens of the country to do right.

Mr. MANN. If the Government was not a soft mark such a statement as the gentleman from Florida makes would not be made. Anybody who can sue a citizen can sue the Government, except in a case of fraud. But in this case, where you can not sue a citizen under similar conditions, then the people want special legislation to get into the Court of Claims against the Government. There would be no suit here lie against a citizen if this were a matter between two citizens.

Mr. CLARK of Florida. Why not?

Mr. MANN. You can bring a suit in the Court of Claims now.

Mr. CLARK of Florida. And run up against the statute of limitations.

Mr. MANN. Yes; but that is not all. If it was between two citizens and the matter had been delegated for adjudication to one of the officers of the Government and he had decided it, that would end it as to the citizen. But not so as to the Government. Here is a case where the Supreme Court has decided against the people, where several Secretaries of the Treasury have decided against them, where several Attorneys General of the United States have decided against them, and yet my friend from Florida says this Government ought to treat them as well as citizens. If this had been between two citizens there never would have been but one decision, and yet they have had half a dozen decisions or more already.

Mr. CLARK of Florida. Will the gentleman name a Supreme Court decision where they have decided against the payment of these claims?

Mr. MANN. I did not say that. It went to the Supreme Court and the court decided against you and said it was a matter for the Secretary of the Treasury to determine. Several Secretaries of the Treasury have decided against these claimants.

Mr. CLARK of Florida. But the award had been rendered in their favor. How does the gentleman get rid of the award?

Mr. MANN. Has the gentleman ever read the award?

Mr. CLARK of Florida. Let me ask the gentleman a question: Suppose two individuals agree to arbitrate a matter, solemnly enter into it under the statutory regulation, and the award is made under that arbitration, would not the gentleman think that the parties were bound by it; would not they be held to it?

Mr. MANN. That is not this case. In this case they made a finding as the Court of Claims makes findings every day as to the value of property taken. It did not take any brains to say that interest ought or should not amount to so much.

Mr. CLARK of Florida. Will the gentleman answer this question?

Mr. MANN. I will if I can, although I am not on the witness stand in this case.

Mr. CLARK of Florida. At whose instance were these awards made; who provided the tribunal?

Mr. MANN. Congress provided that these people could go to the courts in Florida and have the findings made, but the court could not render judgment; it was simply to make findings. The Supreme Court of the United States decided that they were not awards.

Mr. CLARK of Florida. Will the gentleman point out the decision and the name of it?

Mr. MANN. I will read from the report:

The fact that these claims are old should not militate against them if they are just. That they are just has been frequently held by committees of Congress. The main question in issue, or one of the questions, has been whether the findings of the judges who were given jurisdiction to hear the cases were judicial awards or whether they were mere administrative findings, subject to the supervisory authority of the Secretary of the Treasury.

Mr. CLARK of Florida. On what page of the report?

Mr. MANN. Page 2 of the report. The gentleman ought to be as familiar with it as I am. I am reading from the second complete paragraph from the top, on page 2.

Mr. CLARK of Florida. Daniel Webster when Attorney General held strongly that they were judicial awards.

Mr. MANN. Certainly. He and the Supreme Court did not agree.

Mr. CLARK of Florida. The Supreme Court did not pass upon that. Will the gentleman read where it did?

Mr. MANN. I have read it three times from the report of the House committee. I do not guarantee whether the report is correct or not.

Mr. CLARK of Florida. If the gentleman will show me where the Supreme Court has decided that question, I will withdraw.

Mr. MANN. I have shown the gentleman where the committee claims that the court decided it. I do not think the gentleman from Florida or myself has examined the Supreme Court opinion.

Mr. CLARK of Florida. I have not.

Mr. MANN. I have not.

Mr. CLARK of Florida. Neither of us know anything about it except what we get from the report; but I do know that the Congress of the United States fixed this tribunal of Florida judges to adjudicate and adjust this matter, and they found what was due and declared what was due; but the accounting officer of the Treasury eliminated a portion of it, and now we are simply asking nothing but to go to the Court of Claims to determine whether it is just or not.

Mr. DONOVAN. Mr. Chairman, the regular order. The gentlemen ought not to take up the whole day with just one case when there are so many meritorious cases on the calendar.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

EDWARD A. THOMPSON.

The next business in order on the Private Calendar was the bill (H. R. 7287) for the relief of Edward A. Thompson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to Edward A. Thompson, to compensate him for the loss of his son, Harold A. Thompson, late a seaman on the U. S. S. *Georgia*, who was killed in the performance of his duty on said ship.

The following committee amendments were read:

In line 5 strike out the figures "\$10,000" and insert in lieu thereof the figures "\$125.40." In line 6, after the word "Thompson," strike out the remainder of said bill and substitute the following words: "and said Edward A. Thompson shall be regarded as the duly designated beneficiary of the late Harold A. Thompson, a seaman on the U. S. S. *Illinois*, who was killed in the performance of his duty on said ship."

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to ask the committee if it is the intention where the law does not provide for payment to a beneficiary who is dependent to always report special bills? If so, what is the object of having the law in relation to the Army and Navy provide that people shall be dependent in order to get this sum? Here is a case where the law provides that on the death of a man in the Navy his father or mother, dependent upon him, shall receive six months' pay if he designates some one as a beneficiary. Several times where the man has failed to designate a beneficiary we have ordered the payment of the money, but in this case the father frankly admits that he was not dependent upon the boy, but it is proposed to pay him as though he were. Of course, that is a nice thing, but what is the object in having the law?

Mr. POUL. Mr. Chairman, I know nothing about the matter except what appears in the report.

Mr. REILLY of Connecticut. Mr. Chairman, it is true that the law is such that payment can not be made except where the beneficiary is dependent. The father of this boy, who was killed while performing his duty on board ship, is not dependent and never was dependent upon that boy. He is a man in ordinary circumstances. It appears to me that this is a mighty small award for the loss of a son, yet the committee saw fit to make the award.

I do not know what the policy of the committee is, because I am not a member of it. I simply know the fact, as the father very honestly stated that he was not dependent upon his son, and that his son lost his life in the service of the Government.

Mr. MANN. We have changed the law so that now the beneficiary is not required to be dependent. The boy can name the father or the mother as the beneficiary without any evidence to show that either was dependent. But this bill is considered by unanimous consent. Is this committee amendment satisfactory to the gentleman?

Mr. REILLY of Connecticut. It is not satisfactory to me, for I think an award of \$125 for the loss of a son is a mighty small one.

Mr. MANN. I do not mean if it is wholly satisfactory, but whether the gentleman is going to resist it.

Mr. REILLY of Connecticut. I will not resist it, as it is the customary six months' pay award, though I think there should be a much larger amount given.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. Sisson. Mr. Chairman, without going into any lengthy discussion of the matter, I will state that I have had matters very similar to this upon several occasions, and I object.

The CHAIRMAN. The gentleman from Mississippi objects.

RICHARD RIGGLES.

The next business in order on the Private Calendar was the bill (H. R. 13728) for the relief of Richard Riggles.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Richard Riggles, in full payment for injuries sustained by him on the 6th day of February, 1885, while in the discharge of his duties at the navy yard, Washington, resulting in the loss of his right leg.

With the following committee amendments:

In line 5 strike out the figures "\$5,000" and insert in lieu thereof the figures "\$500.80."

In line 2, after the word "leg," strike out the period, substitute a colon, and add the following:

"Provided, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall, directly or indirectly, receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection with this claim, any fee or compensation whatsoever."

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Chairman, reserving the right to object, let me see if I understand it. Here is a man who was working in the Washington Navy Yard at \$1.60 per day. He lost his leg, and as a result of that he is now working in the navy yard at the rate of \$3.28 a day. That probably does not compensate him for the loss of his leg. If he gets paid this sum, they may consider themselves justified in discharging him. He is already getting more than twice as much pay without the leg as he did before with the leg.

Mr. POUL. But he has not got his leg back.

Mr. MANN. No; but he has gotten consideration from the Government because of the loss of his leg.

Mr. POUL. We thought in view of the fact that he was injured without any fault on his part that the man ought to have some compensation, and that is all there is to it.

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH A. POWERS.

The next business in order on the Private Calendar was the bill (H. R. 11394) for the relief of James A. Powers.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$312.17 as compensation to James A. Powers, a letter carrier in the city of New York N. Y., for loss of salary and for medical services resulting from injuries received by him on February 23, 1912, from the breaking of a stool which he was using in his employment.

With the following committee amendments:

In line 5 strike out the figures "\$312.17" and insert in lieu thereof the figures "\$256.17." In line 5, after the word "to," strike out the words "James A. Powers" and insert in lieu thereof the words "Joseph A. Powers."

In line 7, after the word "salary," strike out the words "and for medical services."

Amend the title so as to read: "A bill for the relief of Joseph A. Powers."

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask one question in reference to this amendment. The amendment limits the reason for the amount which is to be paid to compensation for loss of salary while in the hospital. Is it intended by the committee to leave this open so that the man may hereafter have another bill brought for injury, hospital charges, and surgeons' bills, or is it intended that this sum is in full payment of all that the Government ought to pay?

Mr. POUL. Mr. Chairman, it is intended as full discharge of any possible obligation that the Government might be under in the premises.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN P. EHLMANN.

The next business in order on the Private Calendar was the bill (H. R. 13591) for the relief of John P. Ehrmann.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the United States Treasury not otherwise appropriated, the sum of \$520.50 to John P. Ehrmann, in full of all claims he may have against the Government for injuries received by him while employed by the United States as foreman, gun shop, Watervliet Arsenal, N. Y., for loss of salary, hospital charges, and surgeon bills resulting from said injuries.

With the following committee amendments:

In line 6 strike out the figures "\$520.50" and insert in lieu thereof the figures "\$245.50."

In line 6, after the name "Ehrmann," strike out remainder of said bill and add the following words: "for loss of salary while in hospital suffering from injuries received by him while employed by the United States as foreman, gun shop, Watervliet Arsenal, N. Y."

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

H. E. JOHNSON ET AL.

The next business in order on the Private Calendar was House resolution 551, referring the bill H. R. 1049 to the Court of Claims.

The Clerk read as follows:

House resolution 551.

Resolved, That the bill (H. R. 1049) for the relief of H. E. Johnson, John F. Shelley, Jane M. Johnson, and Duff Quinn, with the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law.

The CHAIRMAN. Is there objection to the present consideration of the resolution?

Mr. MANN. Mr. Chairman, reserving the right to object, there are several of these resolutions on the calendar. Does the gentleman from Idaho think it would be doing anybody a favor to refer to the Court of Claims a claim for \$25 for a resident of Idaho?

Mr. FRENCH. Mr. Chairman, these claims will be considered as one, the total amount being upward of \$600. Of course, personally I would much prefer to see the bill introduced passed instead of the resolution, but there is a desire on the part of the committee to secure a finding of facts in the case, and so the committee reported the resolution in lieu of the bill.

Mr. MANN. Has the Reclamation Service made any report on this?

Mr. FRENCH. This is a matter that is directly under the Indian Department, because the Indian Department has—

Mr. MANN. Well, has the irrigation service in the Indian Office made any report?

Mr. FRENCH. I understand so.

Mr. MANN. What do they say?

Mr. FRENCH. I understand the facts are such as to substantiate the bill.

Mr. MANN. Well, if this is a matter that must be in the end really determined by the Government administrative officers, here is an irrigation service either in the Indian Office or the Reclamation Service that overflows land and a claim is made for \$25 that is to be referred to the Court of Claims in Washington.

Mr. FRENCH. Of course, as I say, I much prefer that the bill be passed instead of the resolution, but I yielded to it with the belief that the entire amount of the claims will be considered as one.

The CHAIRMAN. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was ordered to be laid aside with a favorable recommendation.

OFFICERS AND CREW OF STEAMER "HANCOCK."

The next business in order on the Private Calendar was the bill (H. R. 16717) authorizing and directing the Secretary of the Treasury to pay certain moneys to the officers and crew of the steamer *Hancock* or their legal representatives.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the following-named members of the crew of the steamer *Hancock* or their legal representatives the sums set opposite their respective names: E. S. Wheeler, \$162.81; Bamlet Kent, \$114.87; Charles L. Wilson, \$193.61; A. R. Crook, \$248.81; John H. Sanner, \$111.55; George Simpson, \$101.01; Ellery Dewitt, \$71.53; Harlow N. Davock, \$29.16; David Tindall, \$83.20; together with interest thereon from August 16, 1905.

The committee amendment was read, as follows:

Page 1, strike out lines 8, 9, and 10, and on page 2, strike out lines 1, 2, and 3, down to the word "five," and insert the following: "E. S. Wheeler, \$142.31; Bamlet Kent, \$83.87; Charles L. Wilson, \$118.72; A. R. Crook, \$160.13; John H. Sanner, \$70.07; George Simpson, \$63.26; Ellery Dewitt, \$45.78; Harlow N. Davock, \$19.04; David Tindall, \$49.52; said payments being in the nature of relief for losses sustained through the sinking of the U. S. S. *Hancock* on the 16th day of August, 1905."

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Chairman, reserving the right to object, as I understand the case, and if I am in error I wish to be corrected, these men were serving upon a vessel of the engineers in the War Department. They had a collision with a steamer called the *Hancock*. A suit was brought by the Government against the owners of the *Hancock*, and the suit was settled so that the *Hancock* owners paid half the loss, including the loss to the Government employees on the Government vessel, and that that money they have received.

Mr. POUL. That is correct, only the steamer was named the *Binghamton*.

Mr. MANN. These men hired an expensive attorney—possibly not an expensive attorney—and now seek to have the Government pay the other half of the loss as well as their attorney fees. In the first place, Mr. E. S. Wheeler's loss was \$41. His proportion of the attorney's fees was \$121.81, and he wants us to pay the total amount. His loss was \$41. He has got half of that already. His attorney's fees were \$121.80, and he wants us to pay \$142.31. That is the way I understand the case. Is that correct?

Mr. DOREMUS. The gentleman is correct, in a measure. The amount specified in the bill is one-half the loss sustained by the members of the crew.

Mr. MANN. That is just what I just stated.

Mr. DOREMUS. And their proportionate share of the attorney's fees which they contributed. I will state to my friend from Illinois that this attorney was employed by the interveners with the consent and approval and, if I am not mistaken, upon the recommendation of the district attorney. The interveners paid the attorney out of their own pockets, and the attorney practically conducted the case on behalf of the Government.

Mr. MANN. The attorney did what?

Mr. DOREMUS. Conducted the case practically on behalf of the Government.

Mr. MANN. Well, he should get paid, then, through the Department of Justice.

Mr. DOREMUS. But they could not get paid through the Department of Justice for the loss.

Mr. MANN. Now, the total loss, to begin with, of all of these men, on their own statement, was \$715. They recovered half of this. They paid \$395 for a special attorney, and there remains unpaid \$357.50.

Mr. DOREMUS. That is correct.

Mr. MANN. Mr. Wheeler is a United States assistant engineer, or was, who recommended the payment of this claim. That is the way we get it.

Mr. DOREMUS. The payment of this claim has been recommended by the Chief Engineer of the Army—

Mr. MANN. Oh, yes.

Mr. DOREMUS. And by the Judge Advocate General of the Army, and all others who have to do with it.

Mr. MANN. To start with, Mr. Wheeler had lost \$41. He had an attorney's fee of \$121.81. If I had been in Mr. Wheeler's place, I would have pocketed the loss—

Mr. DOREMUS. I do not know what part he played in this matter.

Mr. MANN. I am only reading from his statement, and I have not raised any question about his veracity at all.

Mr. DOREMUS. The fact is that these men suffered the loss through no fault of their own. They paid the attorney fee with the consent and approval of the Department of Justice. So what good reason can exist for not reimbursing them?

Mr. MANN. This reason exists: If this was a suit the Department of Justice had anything to do with, the Department of Justice should have attended to it, and I think they did. And if the Department of Justice had any authority to hire an outside attorney, it had authority to pay him.

Mr. DOREMUS. Well, I would not say positively that they hired him, but I know that the attorney was engaged in behalf of the interveners with the consent and approval of the district attorney's office, and that the attorney whom they engaged practically prosecuted the case against the owners of the *Binghamton* on the part of the men.

Mr. MANN. Here was a case where there was no liability on the part of the Government at all. Nobody pretends there was. Certain people suffered loss. They brought suit against the people who were liable. They settled that suit for less than they said their damages were, and then turn around and want the United States, which was not liable in the first instance, to pay them more than it would have paid if it had paid the full claim that they made in the first instance against other parties.

Mr. DOREMUS. The gentleman has no right to assume that there is no liability at all on the part of the Government.

Mr. MANN. The gentleman does not claim there was any liability?

Mr. DOREMUS. This case was prosecuted against the owners of the *Binghamton*.

Mr. MANN. Yes. But the Government was not liable. The Government did not own the *Binghamton*.

Mr. DOREMUS. The owners of the *Binghamton* claimed there was negligence on the part of the Government. Now, the question of negligence was never judicially determined, but the suit was compromised.

Mr. MANN. But if there had been negligence on the part of the Government, the Government would not have been liable to the very men who were negligent. These men were operating the boats. They were the men who had that collision.

Mr. DOREMUS. The gentleman assumes, in his argument, that the gentlemen named in this bill are the responsible parties in that they were negligent. There is no proof in the record or in the report to bear him out.

Mr. MANN. I think there is. The man who was in charge was the United States assistant engineer. He was the chief officer there.

Mr. Sisson. If the gentleman will permit, the report ought to show the exact relations they bore to this vessel, because that would determine absolutely the question which is in the mind of the gentleman from Illinois.

Mr. DOREMUS. I will say to my friend from Mississippi that the question of negligence was never judicially determined. After the case was tried, and before a final determination, the parties got together and compromised by the owners of the *Binghamton* paying one-half of the loss.

Mr. MANN. This claim covers the officers and men on board Government vessels.

Mr. DOREMUS. That is true.

Mr. MANN. Of course there was only liability on the part of the Government, whether they were or were not negligent. If anybody was negligent they were negligent. I will say to the gentleman that under the precedent we could pay to the men one-half of the loss. They have already recovered the other half, but under the precedent which Congress has followed for years it will not pay attorneys' fees.

Mr. DOREMUS. Will the gentleman object?

Mr. MANN. Certainly. I will object. If I did not object 40 other men here would do so, unless it is reduced to the amount of the actual loss.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The CHAIRMAN. Objection is made. The Clerk will report the next bill.

PATRICK J. FITZGERALD, DECEASED.

The next business in order on the Private Calendar was the bill (H. R. 13350) for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the widow and heirs at law of Patrick J. Fitzgerald, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000, in full compensation for the death of said Patrick J. Fitzgerald, on January 3, 1907, caused by injuries received on December 31, 1906, while employed as a chain maker, fourth class, in the navy yard of the United States at Boston, Mass.

The CHAIRMAN. Is there objection to the consideration of the bill?

There was no objection.

The following committee amendment was read:

Page 1, line 6, strike out "\$5,000" and insert "\$2,000."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS C. HYDE.

The next business in order on the Private Calendar was the bill (H. R. 11158) for the relief of Thomas C. Hyde.

Mr. POUL. Mr. Chairman, I ask unanimous consent to pass this bill over without prejudice.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] asks unanimous consent that the bill may be passed without prejudice. Is there objection?

Mr. MANN. What does that mean; to pass over without prejudice?

The CHAIRMAN. The Chair does not know.

Mr. POUL. I do not want it to appear that there was any objection to the consideration of the bill, because there is some additional information which the gentleman would like to give.

Mr. MANN. Just pass it, then.

The CHAIRMAN. Without objection the bill will be passed over, and retain its place on the calendar.

There was no objection.

GEORGE T. LARKIN.

The next business in order on the Private Calendar was the bill (H. R. 305) for the relief of George T. Larkin.

The bill, with committee amendments, was read in full.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

WICKLIFF FRY.

The next business in order on the Private Calendar was the bill (H. R. 10025) for the relief of Wickliff Fry, for horse lost while hired by the United States Geological Survey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$185 be, and the same hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, and the Secretary of the Treasury is hereby directed to pay Wickliff Fry, a citizen of Delroy, Carroll County, in the State of Ohio, in compensation for one horse owned by him and which lost its life while hired by the United States Geological Survey.

With a committee amendment, as follows:

Amend. line 3, by striking out "\$185" and inserting "\$135."

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask if this bill was ever referred to the Interior Department? It is for the loss of a horse hired by a couple of men in the Geological Survey, who deliberately hitched the horse in a place where no man who knew anything about horsemanship would fail to know that it would kill the horse, and it did. Now, does the department recommend that the Government pay this, instead of the employees?

Mr. POUL. I will say to the gentleman that it was referred to the Geological Survey.

Mr. MANN. Here is a statement from the report. It says:

The testimony of Mr. Fry and two witnesses who were with him immediately upon hearing that the horse was dead was to the effect that the place where they hitched this horse was boggy, and that the horse had mired up to his body, and that in the struggle had been choked to death; that the rope by which he had been tied had been tied around his neck and had not been placed through the bridle ring, and claim that if ordinary care had been exercised in the care of this horse he would not have been killed.

That is perfectly patent to anybody who knows enough to drive a horse or hitch it. If the Geological Survey wants to send out men who know nothing about hitching a horse, either as to the method of hitching or the place of hitching, they ought to so report.

Mr. POUL. The committee thought that the owner of the horse ought not to suffer.

Mr. MANN. The owner of the horse ought not to suffer. He ought to sue these men.

The CHAIRMAN. Is there objection to the present consideration of this bill?

Mr. Sisson. Mr. Chairman, I object.

The CHAIRMAN. Objection is made. The Clerk will report the next bill.

MICHAEL F. O'HARE.

The next business in order on the Private Calendar was the bill (H. R. 6530) for the relief of Michael F. O'Hare.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Michael F. O'Hare, of Tyngsboro, Mass., the sum of \$200, in full compensation for loss of cow and injury to his business through negligence on the part of employees of the United States Department of Agriculture, Bureau of Entomology, on June 11, 1911.

With a committee amendment, as follows:

Amend. line 7, by striking out "\$200" and inserting "\$85."

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. Sisson. Mr. Chairman, reserving the right to object, what were the facts of this case?

Mr. **POU**. I will say to my friend from Mississippi that I know nothing about it except what appears in the report.

Mr. **SISSON**. It says:

Some days after Dr. Harris called at the office, Mr. O'Hare came in and told of the death of the cow and asked what we could do in reimbursing him for the loss of the animal. I expressed my regret concerning his loss and told him he had better see his Congressman, Butler Ames, of Lowell, and ask him to introduce a bill for relief.

How did the Agricultural Department get hold of the cow? How did it become liable for the loss of this cow?

Well, Mr. Chairman, I withdraw the objection. I notice here that the employees of the Agricultural Department left some arsenate of lead exposed and the cow got hold of that.

The **CHAIRMAN**. Is there objection to the present consideration of the bill?

There was no objection.

The **CHAIRMAN**. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The **CHAIRMAN**. The Clerk will report the next one.

LOUIS JONES.

The next business in order on the Private Calendar was the bill (H. R. 13483) for the relief of Louis Jones.

The bill was read, with committee amendments.

The **CHAIRMAN**. Is there objection to the present consideration of the bill?

Mr. **MANN**. I object.

The **CHAIRMAN**. The gentleman from Illinois [Mr. **MANN**] objects. The Clerk will report the next one.

FRED HENDERSON.

The next business in order on the Private Calendar was the bill (H. R. 13482) for the relief of Fred Henderson.

The bill was read, with committee amendments.

The **CHAIRMAN**. Is there objection to the present consideration of the bill?

Mr. **MANN**. I object.

The **CHAIRMAN**. The gentleman from Illinois objects. The Clerk will report the next one.

FRED LARSEN.

The next business in order on the Private Calendar was the resolution (H. Res. 552) to refer H. R. 1052, a bill for the relief of Fred Larsen, to the Court of Claims.

The Clerk read the resolution, as follows:

House resolution 552.

Resolved, That the bill (H. R. 1052) for the relief of Fred Larsen, with the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law.

The **CHAIRMAN**. Is there objection to the present consideration of the resolution?

Mr. **MANN**. I reserve the right to object.

Mr. **FRENCH**. Mr. Chairman, the question arises on account of a reservoir site and lands that were owned, or rather entered, by Fred Larsen being taken by the Government in the construction of a reservoir in connection with an irrigation system. There is a difference between Mr. Larsen and the Government as to the value of the property destroyed, Mr. Larsen claiming that he was damaged to the amount of \$4,700 and the department raising not only the question as to the amount of damages, but also raising the question of entryman's rights to the land; raising the question of whether or not he had forfeited his rights to the land. Altogether it seems a question, in view of the conflicting report of the department and the evidence submitted by Mr. Larsen, that should go to the Court of Claims.

Mr. **MANN**. This is just for a finding of fact?

Mr. **FRENCH**. Yes; simply for a finding of fact and conclusions of law. This case and the next one are alike, and they arise from the same irrigation project.

The **CHAIRMAN**. Is there objection to the present consideration of the resolution?

Mr. **FOSTER**. Mr. Chairman, reserving the right to object, in the securing of these rights in reservoir sites the Government agrees with the claimants upon what damages there shall be?

Mr. **FRENCH**. Ordinarily, yes; and most of the claims were settled.

Mr. **FOSTER**. When they are not settled, and there is disagreement, how is it managed—by referring it to the Court of Claims?

Mr. **FRENCH**. Ordinarily not. Here is a case, however, where the Government has taken the position, apparently, that these entrymen have not complied with the law sufficiently to

acquire title to the lands in order to be entitled to damages. Now, there is a question there.

Mr. **FOSTER**. They were paid damages?

Mr. **FRENCH**. No. This man has been paid no damages.

Mr. **FOSTER**. He held this land as a homestead site?

Mr. **FRENCH**. He had taken it as a homestead entry.

Mr. **FOSTER**. He had entered upon the land?

Mr. **FRENCH**. Yes; he had entered upon the land, and had made improvements. His affidavit in evidence sets forth that he is damaged to the extent of \$4,700. The department's report is adverse, raising not only the question of the amount of damages, but the title that this man may have to the land itself; and I think under the circumstances it is a very fair case to go to the Court of Claims for the finding of facts.

Mr. **FOSTER**. Have they had other cases of this kind?

Mr. **FRENCH**. I do not know. Most of the cases, I will say, were determined by the Government and the settlers through a representative of the department being sent there.

Mr. **FOSTER**. To settle what damages there were?

Mr. **FRENCH**. Yes; to settle and arrange a basis for payment.

Mr. **FOSTER**. What was the claim here? Did the department set up a claim that it was an illegal entry for a homestead?

Mr. **FRENCH**. Rather that the entryman had not complied with the law. Mr. Larson did not see the representative of the department at all. In fact, both Mr. Larson and Mr. Anderson were in that situation. Neither one of them saw the representative of the department at all, and consequently did not present the facts in the cases to the representative of the department.

Mr. **FOSTER**. Is this to ascertain whether the damages are well founded?

Mr. **FRENCH**. Yes.

The **CHAIRMAN**. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was ordered to be laid aside with a favorable recommendation.

The **CHAIRMAN**. The Clerk will report the next one.

PETER W. ANDERSON.

The next business in order on the Private Calendar was the resolution (H. Res. 553) to refer H. R. 1051, a bill for the relief of Peter W. Anderson, to the Court of Claims.

The Clerk read the resolution, as follows:

House resolution 553.

Resolved, That the bill (H. R. 1051) for the relief of Peter W. Anderson, with the accompanying papers, be, and the same is hereby, referred to the Court of Claims for the finding of facts and conclusions of law.

The **CHAIRMAN**. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was ordered to be laid aside with a favorable recommendation.

EUGENE A. FREUND AND ALFRED F. ROEMMICH.

The next business in order on the Private Calendar was the bill (H. R. 10475) for the relief of Eugene A. Freund and Alfred F. Roemmich.

The Clerk read the title of the bill.

Mr. **MANN**. Mr. Chairman, I object.

The **CHAIRMAN**. The gentleman from Illinois objects.

GATTLEIB SCHLECT AND OTHERS.

The next business in order on the Private Calendar was the bill (H. R. 5058) for the relief of Gattleib Schlect and Maurice D. Higgins, and for the relief of the heirs and legal representatives of William Bindhammer and Valentine Brasch.

The Clerk read the title of the bill.

Mr. **MANN**. Mr. Chairman, I object.

The **CHAIRMAN**. The gentleman from Illinois objects.

MATTHEW LOGAN.

The next business in order on the Private Calendar was the bill (S. 3761) for the relief of Matthew Logan.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Matthew Logan shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery H, First Regiment Rhode Island Volunteer Light Artillery, on the 25th day of July, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The **CHAIRMAN**. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ANNIE E. WHITE AND HEIRS OF PATRICK WHITE, DECEASED.

The next bill in order on the Private Calendar was the bill (H. R. 13257) for the relief of Annie E. White and the heirs of Patrick White, deceased.

The Clerk read the title of the bill.

Mr. MANN. Mr. Chairman, I object.

Mr. HAYDEN. Will the gentleman withhold his objection for just a moment?

Mr. MANN. I will, but I will renew it.

Mr. HAYDEN. This is a most meritorious measure. It is an attempt to do justice to one who has been grievously wronged by the military authorities of the United States.

Mr. MANN. Oh, this is not a bill that can pass by unanimous consent. I do not think it would pass if I could get a few minutes in the House to explain it. It is a little older than the hills and not quite as old as some of the mountains and never had any merit in it.

Mr. HAYDEN. If the gentleman from Illinois intends to object, it is, of course, useless to delay the consideration of other bills by discussing the matter at this time, although I do not at all agree with the statement that he has just made. If a suitable opportunity is given me I believe that I can convince a majority of the Members of this House that Mrs. White is entitled to this relief.

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects. The Clerk will report the next bill.

HUNTON ALLEN.

The next business in order on the Private Calendar was the bill (H. R. 17424) for the relief of Hunton Allen.

The bill was read, as follows:

Be it enacted, etc., That the Auditor of the Treasury for the Post Office Department is hereby authorized and directed to credit the account of Hunton Allen, the postmaster at Williamson, in the State of Georgia, with the sum of \$237.16, the amount and value of postage stamps stolen from said post office by a burglar on May 13, 1913, without any fault on the part of said Allen; and said amount is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be laid aside to be reported to the House with favorable recommendation.

CLARA DOUGHERTY AND OTHERS.

The next business in order on the Private Calendar was the bill (S. 23) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District.

The bill was read, as follows:

Be it enacted, etc., That under and in accordance with the terms and provisions of the act of Congress approved April 22, 1904, entitled "An act to provide for payment of damages on account of change of grade due to construction of the Union Station, in the District of Columbia," as amended by the act of Congress approved June 29, 1906, the commission appointed under said act is hereby authorized and directed to meet and view the property known as lots Nos. 13 and 41 and the south 17.10 feet front by the full depth thereof of lot No. 14, all in square No. 724, in the city of Washington, in the District of Columbia, improved by premises Nos. 323, 325, 327, 329, and 337 First Street NE., city of Washington, D. C., and hear testimony touching the damages to said property which have resulted from changes in the grade of streets, avenues, or alleys authorized by the act of Congress approved February 28, 1903, relating to the construction of a union railroad station in the District of Columbia, and to appraise and determine the amount of damages, if any, to which the owner of said property so affected by change of grade may be entitled.

SEC. 2. That if any of the parties interested, their personal representatives, or the Commissioners of the District of Columbia, shall be dissatisfied with the appraisal or award of said commission the court shall, on motion of the parties so dissatisfied, direct the United States marshal to summon a jury of seven disinterested men, not related to any person in interest, to meet and view the said property and to appraise and determine the amount of damages to which the owner of said property so affected by change of grade may be entitled, as provided in and by the aforesaid act of Congress so amended as aforesaid.

SEC. 3. That a sufficient sum to pay the compensation and expenses of said commission and the compensation of said jurors and the amount of any appraisal or award of damages made in favor of the owner of said property is hereby appropriated out of the revenues of the District of Columbia, and 50 per cent thereof shall be refunded to said District of Columbia by the United States.

With the following committee amendment:

Page 2, line 9, strike out the words "and forty-one."

Page 3, line 18, after the words "United States" insert: "Provided however, That from such sum or sums as may be awarded to said owners there shall be deducted the compensation and expenses of said commission and the compensation of said jurors."

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. Sisson. Mr. Chairman, reserving the right to object, this bill comes from the Committee on the District of Columbia. The only point in the case, as I understand it, is that the statute of limitations has run against these people.

Mr. COADY. Yes.

Mr. Sisson. Did they have proper notice?

Mr. COADY. There was notification by publication only in the Washington newspapers.

Mr. Sisson. Was there no personal service?

Mr. COADY. No. One of the women, Mrs. Meder, a very poor woman, is a charwoman in one of the departments here. She testified that she rarely read the newspapers and never read the legal notices, and that was substantially the testimony of the others.

Mr. Sisson. There was no personal service on these parties?

Mr. COADY. No personal service at all.

Mr. Sisson. Service by publication only?

Mr. COADY. Service by publication only.

Mr. MANN. Why does the House committee propose to strike out lot 41?

Mr. COADY. For the reason at the hearing it appeared that the owner of that lot has since sold it. It was a vacant and unimproved lot.

Mr. MANN. Sold it before or after this bill passed the Senate?

Mr. COADY. I think he sold it before the bill was introduced.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

RATHBUN, BEACHY & CO.

The next business in order on the Private Calendar was the bill (H. R. 2312) for the relief of Rathbun, Beachy & Co.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rathbun, Beachy & Co., of Webster, S. Dak., the sum of \$1,000, in full compensation for loss in sale of cattle illegally placed in quarantine by Government inspector at the stockyards in Chicago, Ill., and said amount is hereby appropriated.

With the following committee amendment:

Page 1, line 6, strike out "\$1,000" and insert in lieu thereof "\$975."

The CHAIRMAN. Is there objection to the present consideration of this bill?

Mr. FOSTER. I think this bill ought to have some explanation. As I understand it, these people shipped these cattle to Chicago without their being inspected, and then they were put in a pen from which they were afterwards sold at a loss, and this represents the loss. Is that it?

Mr. POUL. Dr. Galloway, Acting Secretary of Agriculture, says:

I may say in this connection that the cattle in question were placed in quarantine through error, and from all the circumstances in the case the claim appears to be a just one.

Mr. FOSTER. They were shipped to Chicago without first being inspected, and the authorities at Chicago were so notified; and then they were placed in this pen, were they not?

Mr. DILLON. They were uninspected cattle at the time of shipment, and they reached Chicago in the middle of the night and were put into infected pens under the order of Dr. Dyson, and they were then forced to be sold for immediate slaughter. The committee has fixed the lowest estimate of the damages.

Mr. FOSTER. But they were shipped there as uninspected cattle.

Mr. DILLON. Yes; under the regulations.

Mr. FOSTER. And then, of course, they had to go into quarantine when they got there.

Mr. MANN. Oh, no.

Mr. DILLON. Not at all.

Mr. MANN. All cattle are inspected when they come to the market at Chicago, and not at the point from which they are shipped.

Mr. FOSTER. That is what I was trying to get at. In reading the bill I judge that they arrived there and were not inspected; that there was no inspection made.

Mr. DILLON. Oh, yes there was; but not in the middle of the night, when they arrived. They were inspected in the morning, and the inspector's report was favorable. There was no disease and no objection to the shipment of any character, but they were placed through mistake in the quarantine pen, and they were sacrificed and sold for immediate slaughter.

Mr. FOSTER. Whose mistake was it?

Mr. DILLON. Dr. Dyson; he ordered them to be placed there.

Mr. FOSTER. For what reason?

Mr. DILLON. He misinterpreted the instructions that had been received. The instructions were applicable to Colorado, but he interpreted them to mean Chicago. It was the only instance of the kind. Secretary Wilson investigated it and ordered them to be released from quarantine, but they had to be sold at a sacrifice.

Mr. FOSTER. They were cattle sent in for slaughter?

Mr. DILLON. No; they were sent in to sell for feeders, but they had to be sold for slaughter, and hence the loss.

Mr. Sisson. How do you arrive at the amount of the loss? It is an uncertain amount.

Mr. DILLON. There were various estimates. One company received four carloads and another company received six carloads, and the estimates ran from \$1,000 up to \$2,000. The department admits in one of its communications that there is a liability to the extent of \$975 to \$1,000, and the committee has adopted the lowest amount mentioned by the department.

Mr. Sisson. It is, of course, a difficult matter to determine what might or might not happen to a carload of cattle placed on the market, nor is it fair to compare it and show what other carloads of cattle would bring. You might have a dozen carloads of cattle from some farm and one carload would bring a great deal more than another carload of cattle.

Mr. MANN. If the gentleman will permit me, my information is—I do not know anything about this particular case except from the report—that these cattle were placed in a diseased pen, but not sufficiently diseased to order their destruction, and they would sell for about 75 cents a hundred less than they would sell if they were not put in that pen.

Mr. Sisson. Is it absolutely certain that they would bring less?

Mr. MANN. It is absolutely certain that when they go into that pen they bring a less amount of money. There is no question about that.

Mr. Sisson. There is no question but that the buyer might take advantage of the situation.

Mr. MANN. I hope some day I can take the gentleman through the stockyards.

Mr. Sisson. I have been through them.

Mr. MANN. The gentleman knows that they do not spend much time in buying a few cattle; they buy them in the pen. They do not move them until they are purchased. These cattle were put in the pen where they would bring a smaller amount of money. They could not get them out of the pen anywhere else without killing them.

Mr. POU. They were ordered slaughtered prematurely anyway.

Mr. MANN. They could not get them out of the quarantine pen except by killing them.

Mr. Sisson. That is an unusual sort of a claim. Have there been any claims of this kind before?

Mr. DILLON. I never knew of any.

Mr. Sisson. This case may become a precedent for a great many losses.

Mr. DILLON. I will state that this was the only case under this mistaken order, as is clearly shown in the records of the department.

Mr. Sisson. Was there no way in which the Government could have these orders communicated so that advantage might not be taken of them? In other words, are we not opening up a possible opportunity for a great many damage claims of this kind in the enforcement of this law?

Mr. DILLON. I do not know; possibly other cases might arise, but in reference to this one order this is the only case in which an error was committed.

Mr. Sisson. What method was pursued by these people to determine this loss; what evidence did they have?

Mr. DILLON. We had an affidavit, which is set out in the report of the committee specifying the amount of damages. The amount of damages would be the difference between the value of the cattle if sold for feeders and if sold for slaughter. That is the measure of damages.

Mr. FOSTER. I will say that I think they arrived at it by taking the probable value of that class of cattle that day.

Mr. DILLON. Yes; and the committee took the lowest estimate.

Mr. FOSTER. Let me say to the gentleman from Mississippi that this amount ranges from \$975 to \$2,000, and the bill carries the minimum amount.

Mr. Sisson. Mr. Chairman, the question of unliquidated damages is always a difficult one to arrive at. How many of these cattle were put in the pen?

Mr. DILLON. All of them; the entire 10 carloads.

Mr. Sisson. Making up how many cattle?

Mr. DILLON. Something over 100, I think.

Mr. Sisson. What grade of cattle?

Mr. DILLON. They were feeders shipped for that express purpose to put on the market as feeders, but they were compelled to be sold for slaughter.

Mr. Sisson. They were sent there to be fed and fattened.

Mr. DILLON. They were shipped there to be sold as feeders.

Mr. Sisson. Then they were sold as canners. That would be about \$10 loss on each animal, and if there was 100 that would be \$1,000.

Mr. DILLON. We took the lowest estimate.

Mr. POU. We took the department's figures.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. FOWLER. Mr. Chairman, reserving the right to object, I do not quite understand yet why these cattle could not have been sold for feeders.

Mr. DILLON. Under the quarantine rules they were not permitted to be sold.

Mr. FOWLER. They were put in a quarantine pen through mistake. Why could not the mistake have been corrected and then the cattle sold as feeders instead of for slaughter?

Mr. DILLON. The trouble about that was that the purchasers took advantage of that situation, and the consignors could not order them to be shipped back, and they had to go on the immediate market.

Mr. FOWLER. Who placed them in the quarantine pen?

Mr. DILLON. It was done under the order of the superintendent of the stock yards.

Mr. FOWLER. And that was under the authority of the United States?

Mr. DILLON. Yes.

Mr. FOWLER. Was it not made known to the United States that these cattle were not subject to quarantine?

Mr. DILLON. Yes.

Mr. FOWLER. And that was done at the time, was it not?

Mr. DILLON. Yes; by telegraphic order to the Secretary of Agriculture.

Mr. FOWLER. And then they were released, were they not?

Mr. DILLON. They were ordered to be released, but held for immediate slaughter.

Mr. FOWLER. And there was no authority on the part of the United States to direct what should be done with the cattle, was there?

Mr. DILLON. Oh, yes; under the quarantine regulations.

Mr. FOWLER. Did the United States direct that they should be slaughtered?

Mr. DILLON. Yes; sold for immediate slaughter. They were in the quarantine pen; that is, the infected pen.

Mr. FOWLER. But does the fact that they were placed in the quarantine pen absolutely pass judgment on them that they must be slaughtered?

Mr. DILLON. Oh, yes.

Mr. FOWLER. That is the first time that I ever heard of such an unreasonable rule.

Mr. DILLON. They were exposed, and hence must be sold for immediate slaughter.

Mr. FOWLER. Does the gentleman mean that they were exposed to other cattle that were diseased, and that because of that fact they were sold for immediate slaughter?

Mr. DILLON. That is an infected pen, and they are thus exposed.

Mr. FOWLER. Were there any other cattle in there that were diseased?

Mr. DILLON. There had been.

Mr. POU. It is just like a man being put in the pesthouse.

Mr. BURKE of South Dakota. Mr. Chairman, the shipper of these cattle was absolutely at the mercy of the inspector or official of the Department of Agriculture, and these cattle were put in this quarantine pen by his direction and order. Subsequently it was found that they were not infected cattle and should not have been put there, and they were sold for

slaughter at a reduced price over what they would have brought if sold when they arrived as feeders.

Mr. FOWLER. As I understand, these are about the facts: The cattle, through mistake, were put in the quarantine pen?

Mr. BURKE of South Dakota. Yes.

Mr. FOWLER. And afterwards it was found that they were placed there through mistake, and they were released?

Mr. BURKE of South Dakota. Yes.

Mr. FOWLER. And that simply because they had been placed in the quarantine pen they were then sold for slaughter, and the gentleman says that the buyers took advantage of that condition and bought at a less price?

Mr. BURKE of South Dakota. Naturally.

Mr. FOWLER. That is the condition, is it not?

Mr. BURKE of South Dakota. I do not understand that they were released as feeders. They were released for slaughter, and they had to be sold for slaughtering purposes. There were 10 cars of cattle, and the weight is given at 205,160 pounds.

Mr. FOWLER. It does not make any difference about the size, or anything of that kind, if they were healthy cattle. I have been on the market myself with cattle and hogs and sheep and everything else that I could buy and put on the market, and I have always had control over my cattle and hogs when on the market, and if put in pens that I did not like, I have had them transferred to another pen and sold under my order, and not under the order of somebody else.

Mr. BURKE of South Dakota. I am telling the gentleman what happened in this case, and the Secretary himself, who had the matter brought to his attention, immediately ordered the cattle released, and, as is stated in the report, there is no question but that the owner of the cattle ought to have redress from somebody, and I do not know who it would be unless it be the United States.

Mr. FOWLER. If the owner of the cattle has a herd of cattle which is sound and without disease, there is no right on the part of anybody to condemn the cattle without some good reason for it, and if a mistake has been made, the only thing that can be done is to right that mistake and release the cattle, if they have been unjustly impounded in some pen or somewhere else where they ought not to have been placed.

Mr. BURKE of South Dakota. The gentleman, of course, knows that detaining these cattle as infected or diseased cattle for a day necessarily affected their market value?

Mr. FOWLER. Probably there might have been a drift for a day. I know that cattle drift considerably in shipping.

Mr. BURKE of South Dakota. I will say that has already been stated, that the amount of damage was estimated as high as \$2,000, and the lowest amount of the damage is placed at \$975, the amount allowed by the committee.

Mr. FOWLER. I have heard that; but that is not the question that I am after. After a wrong has been done, I do not understand why that wrong can not be righted with a sound, healthy herd, because I have been on the market myself with cattle, as I say.

Mr. BURKE of South Dakota. Can the gentleman conceive how you could right a wrong after the cattle have been placed in quarantine, even if they were released the next day?

Mr. FOWLER. The amount of damages that I get from the gentleman's statement is that they have been kept for one day unjustly in quarantine.

Mr. BURKE of South Dakota. Yes.

Mr. FOWLER. And for that reason they were deprived of sale during that day.

Mr. BURKE of South Dakota. No; that is not the point.

Mr. FOWLER. And that is the amount of damage from the gentleman's statement; that is all I can see.

Mr. BURKE of South Dakota. The gentleman does not see the point.

Mr. FOWLER. But I do see the point.

Mr. BURKE of South Dakota. It changed the character of the cattle.

Mr. FOWLER. I know that you can have a stigma placed on yourself or on an animal by unjust treatment. I know that is true; and if the cattle were placed within a quarantine pen it was unjust to the cattle, and the owner had a right to complain, and I suppose did so; and he had the cattle released from that stigma.

Mr. BURKE of South Dakota. Was not their value affected by that?

Mr. FOWLER. It is probable that the cattle were unjustly treated. I could not say about that.

Mr. HAY. As I understand the point of the case, it is this: The cattle were placed in an infected pen, and having been placed in an infected pen, under the regulations of the United

States quarantine laws they had to be sold and butchered immediately.

Mr. BURKE of South Dakota. That is it.

Mr. FOWLER. Mr. Chairman, I can not understand any such doctrine as that. I have never run up against such a ruling as that since I have been on the market.

Mr. HAY. But that is the law, and those people who owned the cattle suffered from the application of that law to their cattle, and that is the whole of it.

Mr. FOWLER. If the conditions were as have been stated here, the fact that they were placed in a quarantine pen did not change the condition of the cattle. In other words, the quarantine pen is a pen where cattle are placed in order to be inspected. That is its purpose.

Mr. BURKE of South Dakota. Mr. Chairman, I do not think the gentleman understands the case yet. These cattle were sent there to be marketed as feeders.

Mr. FOWLER. I understand the situation.

Mr. BURKE of South Dakota. Now, by placing them in the quarantine pen they had to be sold and slaughtered when they were released, and consequently the owner of the cattle had to take a less price for them than he would have received if they had been sold as feeders.

Mr. FOWLER. I know that statement was made here, and I do not understand the statement to correspond with the regulations.

Mr. BURKE of South Dakota. The statement is substantiated by the correspondence of the department and never has been questioned, and the only question apparently there was in the case was to determine the amount of damage, and the Committee on Claims took the lowest estimate and inserted it. I know the gentleman with his large business experience and his experience in handling live stock will see that the manner in which 10 cars of cattle—243 head in numbers—were handled in this instance, that \$975 or \$1,000 is a very small amount for the owner to have to accept 9 or 10 years afterwards.

Mr. FOWLER. I will say to the gentleman from South Dakota I can see the cattle might have been damaged in having the stigma placed upon them of being diseased cattle. But I can not understand—

Mr. DONOVAN. Mr. Chairman, regular order. These lawyers when they get to talking are worse than women; they talk all day.

The CHAIRMAN. The regular order is, Is there objection to the present consideration of this bill?

Mr. FOWLER. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. Just a moment; the gentleman can not further reserve the right to object under the demand for the regular order. That is what we have been proceeding under for about half an hour.

Mr. FOWLER. Well, I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois objects.

ELWIN CARLTON TAYLOR.

The next business in order on the Private Calendar was the bill (H. R. 7194) for the relief of Acting Asst. Surg. Elwin Carlton Taylor, United States Navy.

The bill and amendments were read.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Chairman, I object.

Mr. BUTLER. Mr. Chairman, is there anything I could say to the gentleman from Illinois that would induce him to change his mind?

Mr. MANN. I will reserve the right to object, although I shall object in the end.

Mr. BUTLER. If the gentleman will object in the end, that will dispose of it; but the restoration of this young man to the Navy has been asked for. This bill and the next one, introduced by Speaker CLARK, asks for restoration to the service.

Mr. MANN. I am familiar with the facts. He is now in the service, by the way.

Mr. BUTLER. He is acting assistant surgeon.

Mr. MANN. He went in and resigned and went out.

LLOYD C. STARK.

The next business in order on the Private Calendar was the bill (H. R. 16424) for the relief of Lloyd C. Stark.

The bill and committee amendments were read.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Chairman, I object.

Mr. CLARK of Missouri. Mr. Chairman, I wish the gentleman would reserve his objection.

Mr. MANN. I will reserve the right to object.

Mr. CLARK of Missouri. Mr. Chairman, the truth about this young man is this: He was in the Navy and stood very high in it. He did not want to resign from it, but his father was part owner and manager of the largest nursery in the world, and his father's health broke down, he had nervous prostration, and he died not very long ago. His business was very large and intricate, and the family insisted that this young man resign and come home to take charge of the work that naturally fell to his father, one of the three or four managers of this great nursery. The report of the committee shows that he was a very efficient naval officer and he is anxious to get back into the Navy. His father has died, and that part of the estate has been arranged for by others as managers. I understand—I am not dead sure I am right about it—that there is a shortage of naval officers.

Mr. BUTLER. There is.

Mr. CLARK of Missouri. It seems to me that where a trained man, an experienced officer, wants to go back into the Navy, who is in the prime of life and in good health, that it would be the part of wisdom to permit him to go back. That is about all there is to it. The report of the committee gives his character and his military history.

Mr. MANN. Mr. Chairman, I think I can subscribe to every statement that the distinguished Speaker has made, both as to the facts and opinion. I am inclined to think there ought to be a way by which this and other good men could get back into the Navy. But what are the facts? No one can get back into the Navy under circumstances now unless he has political influence. I am not in favor of putting men into the Navy because of political influence which gets them there, and when a man goes into the Navy or the Army the first thing that he needs to learn is that that which is, is; that he can not change facts, and if he disobeys an order or a regulation he has to suffer the consequences.

This man did not disobey an order or a regulation, but he resigned. Now, it is proposed to put him back at an additional number in the rank to which he is credited, and whatever rank he goes into he will go as an additional number over the number now authorized by law. Of course, the committee proposes that in order to save what they think would be an injustice to those now in the Navy. It will increase, if the man should remain in the Navy long enough, the number of rear admirals, if he should be named as a rear admiral, and perhaps that ought to be done. Every man who is plucked now by the "plucking board," every man who resigns, every man who has had ill health and goes out and has had his health restored, or many of them, at least, see the retired pay at the end of the service. I doubt whether that is the case here or not, because I assume this young man is well off. But they want to go back in. Well, I think such things ought to be done under a general law. I am perfectly willing to let the President name anybody he pleases in the Army or the Navy as an officer, and let him be the judge. I am not willing to let Congress judge of individuals.

Mr. McCOY. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. McCOY. I want to say to the gentleman that the bill immediately preceding this one was introduced by me. I will say to him, so far as political influence is concerned, that what happened in that case was this: This young man himself went to the department, and I never saw the Secretary or anyone in the department for him at all.

Mr. MANN. I am not using the term "political influence" in any bad sense, the gentleman understands.

Mr. McCOY. I understand that; but in the sense that a man may be able to influence a Member of the House to go there. Now, I never saw anyone there, but the people in the department have written the letter which they did write to the committee, and I know from what I have heard from other sources they are very anxious to get him back in there.

Mr. MANN. I will say to the gentleman from New Jersey, that there is more politics in the Army or in the Navy, either one, than there is in Congress.

Mr. McCOY. My friend from Pennsylvania [Mr. BUTLER] tells me that the Surgeon General came and asked, on account of the need for surgeons in the Navy, that this young man, with his very excellent record, and now in the contract service and rendering efficient service, be restored, because they wanted him, and in a way not to hurt anybody else in the Navy.

Mr. MANN. Because they needed an additional man in the Navy they took one who is now in the Navy, and proposed to put him in the Navy, although he is now there.

Mr. McCOY. The gentleman is mistaken. He is in the Navy in one sense of the word, but he is simply under contract. He is not in the regular service.

Mr. MANN. He is doing nothing else but acting as assistant surgeon?

Mr. McCOY. What he is doing is this: Examining those who apply for enlistment.

Mr. MANN. And he is not in line for promotion.

Mr. McCOY. Not at all; he can not be promoted.

Mr. MANN. And can not go on the retired list; and if he remained in the service he could. He and other naval officers ought to find out that when they have resigned they have resigned, and when they have disobeyed orders they have disobeyed orders, and when they meet the enemy they meet the enemy, and when they meet a thing which is over and gone by they can not change it and stand in the same position as before.

Mr. McCOY. There is a difference between meeting the enemy and resigning. In meeting the enemy you may be killed; in resigning you have another chance.

Mr. MANN. Some of these days these gentlemen who will be killed will be haunting us and asking us to pass these bills to return them to life.

Mr. McCOY. I will vote for such a bill if the gentleman will introduce one.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MANN. I object.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent to publish a report of the committee as an extension of my remarks.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

The following is the committee report referred to:

Report to accompany H. R. 16424.

The Committee on Naval Affairs, to whom was referred the bill (H. R. 16424) to authorize the President to reinstate Lloyd C. Stark to the active list of the United States Navy, having had same under consideration, report it to the House with the following amendments, with the recommendation that the bill as amended do pass:

Amend by striking out, in line 6, all after the word "after," all of line 7, and the first three words in line 8, and insert in lieu thereof the words "Charles Lewis Best, lieutenant, junior grade." Following that, insert the following:

"Provided, That the said Lloyd C. Stark shall establish to the Secretary of the Navy, by the usual examination prescribed by law for the grade of lieutenant (junior grade) in the United States Navy, his physical, mental, moral, and professional fitness to perform the duties of said grade."

Insert in line 8, after the word "Provided," the word "further."

The fact that the Navy Department has very wisely ruled that promising young officers should not resign after the expenditure of many thousands of dollars by the Government for their training and education meets with the approval of this committee. If that course is wise, then it appears equally proper that young officers who have received this training should be welcomed back to the Navy, where their valuable training may be utilized to the greatest possible extent.

The committee finds upon careful investigation that extraordinary circumstances necessitated the resignation of Ensign Stark; that he very reluctantly resigned; that those compelling circumstances no longer exist and he now desires to return to the service for which he is trained and especially qualified; that he is actuated by purely patriotic motives, and that by returning to the service he gives up a business position which entails far greater remuneration than he will receive as a lieutenant in the Navy; that he has had an exceptionally varied naval experience for a young officer and a most excellent record, as reported by his various commanding officers.

Lloyd C. Stark completed his four years' course at the United States Naval Academy and graduated "with credit" in 1908. Prior to his graduation he developed exceptional skill with firearms and was selected as one of 12 men to represent the United States Naval Academy in the national rifle matches. The team, of which he was a member, made such a remarkably good record that Mr. Stark, together with the other members of the rifle team, received a letter of commendation from the President of the United States. Mr. Stark was later selected as one of the 12 most expert shots in the United States Navy to compete in the national rifle matches, in which matches the Navy team, of which he was a member, made a good record.

It appears that he was attached to the U. S. S. *Montana* shortly after that vessel went into commission, at which time Mr. Stark, because of his experience in marksmanship, was selected to fire the ship's guns on her calibration practice. That Mr. Stark performed this important duty in a most efficient manner is evidenced by the fact that the *Montana* shortly thereafter made the highest gunnery record of any ship in the Navy. The gunnery records show that at the time the U. S. S. *Montana* made the record Mr. Stark was the assistant battery officer of the starboard 6-inch battery. This battery made the highest record of any in the Navy. Upon the subsequent detachment of the lieutenant in charge of the battery Mr. Stark, at that time only a midshipman, was because of his recognized ability, placed in charge of this battery.

In examining the record of Mr. Stark the committee has made the following excerpts from the various official reports of his several commanding officers:

"(a) Mr. Stark is an excellent divisional officer, and since the detachment of officer in charge of 6-inch battery has, owing to this ability, been given charge of division.

"(b) I consider him a very promising young officer.

"(c) Very attentive to duty and a very promising young officer.

"(d) During this quarter this officer has been assigned to engine-room duties. In these duties he has so progressed in knowledge and usefulness that the senior engineer officer has reported him competent to take charge of an engine-room watch, which duty he has performed with entire satisfaction.

"(e) This officer shows a real interest in all of his duties. He has been officer of the deck, midshipman of the watch, assistant engineer,

and has had electrical and navigational duties. In all he has constantly progressed in knowledge and usefulness."

In all these reports the committee finds that Mr. Stark was 75 times given the rating of "excellent," was 17 times rated "very good," and received no lower ratings than these. The various ratings used in the Navy are as follows: "Excellent," "very good," "good," "tolerable," "indifferent," "bad," and "failure."

Mr. McCOY. Mr. Chairman, as the Speaker always sets a good example, I make a similar request in the case of my bill.

The CHAIRMAN. The gentleman from New Jersey [Mr. McCoy] makes a similar request. Is there objection? [After a pause.] The Chair hears none.

The following is the report referred to:

Report to accompany H. R. 7194.

The Committee on Naval Affairs, to whom was referred the bill (H. R. 7194) for the relief of Acting Asst. Surg. Elwin Carlton Taylor, United States Navy, having had the same under consideration, report it to the House with the following amendments, and as amended recommend that the bill do pass:

Lines 6, 7, 8, and 9, strike out the words "to take rank in the grade of passed assistant surgeons as an extra number next after the name of Winfield Scott Pugh, Jr.," and in lieu thereof insert the following: "as an additional number, to rank next after the fifty-ninth officer in lineal standing on the list of passed assistant surgeons."

Line 10, after the word "act," change the period to a semicolon and add the following proviso:

"And provided further, That the said Elwin Carlton Taylor shall be required to satisfactorily pass the usual examinations required by law to determine his physical, mental, moral, and professional fitness to perform the duties of the grade to which he is to be appointed."

Dr. Taylor was appointed an assistant surgeon in the Navy October 12, 1903, and promoted to the grade of passed assistant surgeon October 12, 1906, and voluntarily resigned on March 12, 1908. Since June 27, 1912, he has been serving in the Navy as an acting assistant surgeon and is serving in that capacity at the present time, giving him a total naval service of about six years. The Navy Department reports that his record as an officer in the Navy has been excellent, and also reports upon the urgent need of more medical officers in the Navy, and in view of Dr. Taylor's special fitness for the service the department recommends favorable consideration of the bill as is set forth in the following letter:

DEPARTMENT OF THE NAVY,
Washington, March 4, 1914.

MY DEAR MR. CHAIRMAN: In further reference to your letter inclosing a copy of the bill (H. R. 7194) for the relief of Acting Asst. Surg. Elwin Carlton Taylor, United States Navy, and requesting the views and recommendations of the department thereon, I have the honor to inform you as follows:

Elwin Carlton Taylor was born May 7, 1875, and is now approximately 38 years and 10 months of age. He was appointed an assistant surgeon in the Navy October 12, 1903; was promoted to passed assistant surgeon October 12, 1906; and resigned March 12, 1908. He entered the Navy again June 27, 1912, as an acting assistant surgeon and is serving in that capacity at the present time. His total naval service amounts to about six years and his record as an officer in the regular service and as an acting assistant surgeon is excellent.

It is desirable that the bill be amended in the following particulars: First, in lines 6, 7, 8, and 9, strike out the words "to take rank in the grade of passed assistant surgeons as an extra number next after the name of Winfield Scott Pugh, Jr.," and in lieu thereof substitute the words "as an additional number, to rank next after the fifty-ninth officer in lineal standing on the list of passed assistant surgeons"; and, second, after the word "act," line 10, change the period to a semicolon and add the words "And provided further, That the said Elwin Carlton Taylor shall be required to satisfactorily pass the usual examinations required by law to determine his physical, mental, moral, and professional fitness to perform the duties of the grade to which he is to be appointed." These amendments are deemed essential, for in addition to requiring Dr. Taylor to demonstrate his present fitness for a commission in the regular service, the first amendment recommended provides that he be placed on the list of passed assistant surgeons in exactly the same numerical or lineal position which he occupied on the date he resigned from the service, March 12, 1908.

Owing to the excellent record of Dr. Taylor while a member of the Medical Corps of the Navy, and in view of his special fitness for the service and of the urgent need of more medical officers in the Navy, the department recommends that the measure (H. R. 7194), amended as suggested above, be favorably considered.

Faithfully, yours,

JOSEPH DANIELS,
Secretary of the Navy.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

The committee has adopted the amendments recommended by the department in the above letter and as amended recommend that the bill do pass.

JOSEPH ELIOT AUSTIN.

The next business in order on the Private Calendar was the bill (H. R. 2642) authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to reinstate former Midshipman Joseph Eliot Austin in the United States Navy with the rank of ensign.

SEC. 2. That he take position in the grade of ensign at the foot of the class which graduated from the United States Naval Academy in June, 1908.

Mr. BUTLER. Mr. Chairman, there is a mistake made as to the committee which made this report. It was made in the Naval Affairs Committee.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following: "That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to reinstate former Midshipman Joseph Eliot Austin in the United States Navy with the rank of ensign, and, after one year's service as ensign, he shall be promoted to the grade of lieutenant, junior grade, to take rank with and next after Aquilla Gibbs Dibrell, lieutenant, junior grade: *Provided*, That the said Joseph Eliot Austin, after one year's service as ensign, shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of lieutenant, junior grade, in the Navy."

The CHAIRMAN. Is there objection to the present consideration of this bill?

Mr. FOSTER. Mr. Chairman, I reserve the right to object.

Mr. BRITTEN. Mr. Chairman, I would like to call attention to this particular bill as briefly as possible, and say that this young man, Joseph Eliot Austin, graduated from the Naval Academy in June, 1908, and immediately thereafter was ordered on the U. S. S. *South Dakota*. It appears that about a year and a half after that time he married a young lady in the Philippine Islands. At that time the law provided that a midshipman could not marry within two years after his graduation. The law has subsequently been changed, and they can marry at any time after their graduation now.

It appeared from the hearings before our committee that there was an insert called insert No. 5, or regulation No. 5, in the ship's book of regulations providing that midshipmen could not marry within two years after their graduation. It appears that young Austin did not have, or could not find in the book of regulations held and owned by him, this insert No. 5. He and his friends looked through several other books of regulations on board, and they did not have this insert No. 5. The captain of the ship knew that the wedding was about to take place and did not tell the young man that he was getting married contrary to the Navy regulations, and the captain of the ship was invited to attend the wedding. The hearings show that he was sorry that he could not attend, but that he said he would allow other officers on board to attend the wedding.

Some time after the wedding the young man was informed that he had violated regulation No. 5, and he was requested to state his case to the commanding officer. He did not state his case to his commanding officer, assuming that he would be court-martialed and that he would then have an opportunity to tell just what transpired on board ship and show that everybody knew that he was going to get married, including his commanding officer; that there was no one on board the ship who knew that he was violating the regulations.

During the past two years the young man has been assistant instructor at the Culver Military Academy, in Indiana, and has also been in charge of the U. S. S. *Yantic*, in the Michigan Naval Militia, where he has done very good service and where his service on board the ship is very much of the same character as the service he would have been required to perform if he had remained in the Navy as a midshipman.

This bill provides that he be reinstated as an ensign at the bottom of the class at which he graduated in 1908.

Mr. FOSTER. Mr. Chairman, this is rather a peculiar case from several standpoints. One is that the young man looked at the regulations, but page 5, which had reference to getting married, was missing. Then he was called upon to make a defense, and he did not make any because he thought he was going to be court-martialed. I think under the regulations of the Navy a case of dismissal goes to the Secretary of the Navy for his approval, and then goes finally to the President. In this case the young man was unable to find out, in the first place, whether he had the right to get married or not, and then the commanding officer of the vessel and his other superior officers seem to have known nothing about it, and he was told nothing about it. It is rather a strange kind of a case, coming up in this way.

Mr. BUTLER. I ask that justice may be done to this young man, whom I do not know, but whom I pity.

Mr. FOSTER. I do not know him, either.

Mr. BUTLER. In justice to him, let it be said that the officer of the ship approved his marriage and sent the executive officer to the wedding as best man. They misled this young fellow, and the men who did it ought to be punished.

Mr. FOSTER. That is substantially what I stated a moment ago.

Mr. BUTLER. Excuse me. The young man did not know this naval regulation.

Mr. FOSTER. I said that he did not.

Mr. BUTLER. He was absolutely ignorant of it, and it was the business of the superior officer of the ship to have told him that.

Mr. FOSTER. I said he did not, but at the same time, in the regulations that were there it seemed that the particular page he was looking for was gone, and when he could have made an explanation he did not do it, but was waiting for a court-martial.

Mr. BRITTEN. I will say to the gentleman that in cases of this kind, for violation of the regulations on board ship, a court-martial invariably follows, so that the officer or enlisted man has a chance to defend himself. This young man expected a court-martial. There is no question about that; but the court-martial never occurred. Since then that regulation, No. 5, or whatever the number is, has been repealed, and young men graduating from the academy are permitted to marry at any time thereafter. This young man has kept himself in touch with the service all the time since he has been out of the Navy. He is at present connected with the Naval Militia of Michigan and is rendering very good service. I have here a letter from his superior officer aboard the U. S. S. *Yantic* that I would be pleased to read to the gentleman, if he cares to hear it.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. ESCH. This bill was given very careful consideration in the Sixty-second Congress, and voluminous testimony was taken, and it was favorably reported in that Congress. I reintroduced the bill in this Congress, and it again has been favorably reported.

In reference to the reason why this young officer did not find in the regulations the prohibition against marriage during his term as midshipman, I wish to state that he consulted his file of instructions and changes, and the officers of his mess also consulted their files, and they did not find sheet No. 5 of the instructions. Whose fault it was I do not know. This ship was away from Continental United States. It had been cruising in Pacific waters. The instructions would be sent, of course, from the authorities here in Washington, and possibly that sheet may have been omitted and was not distributed to these mess officers. This young man made an effort to find the law. He did not find the law, and when he went to his superior officer and invited him to attend the ceremony he was not advised of the existence of such a law, nor did any other superior officer on that vessel advise him of the existence of the law.

It seems to me that this young man used due diligence in ascertaining the law, and ought not to be held accountable under those circumstances. The commanding officer of this vessel, the *South Dakota*, was soon thereafter dismissed for the good of the service.

Mr. FOSTER. Will the gentleman state that again? I did not hear it.

Mr. ESCH. The commanding officer of this vessel was subsequently dismissed from the service.

The committee sought to get the testimony of the commanding officer and held this case open for four weeks seeking to find him in order to get his testimony, but were unsuccessful in finding him.

Mr. FOSTER. There seems to have been a sort of mystery about this case. Here was a young man who had graduated from the Naval Academy in 1908, and this occurred in 1909, a year after he graduated at Annapolis. It seems to me the young man ought to have known something about the regulations, but I realize that his commanding officer ought to have known and ought to have informed him if it was a violation of the regulations. It seems to me a strange thing that an officer of the Navy would not do so. I do not know anything about this commanding officer, what sort of a character he had, or anything about him.

Mr. BUTLER. We tried to find the commanding officer, but could not.

Mr. FOSTER. In view of the statement of the gentleman from Wisconsin [Mr. Esch], who introduced this bill, I am going to withdraw my objection to it and let it be considered.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

RATHBUN, BEACHY & CO.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent to return to Calendar No. 359.

The CHAIRMAN. The gentleman from South Dakota [Mr. BURKE] asks unanimous consent to return to Calendar No. 359,

which is H. R. 2312, for the relief of Rathbun, Beachy & Co. Is there objection?

There was no objection.

The bill and the committee amendment, which appear earlier in to-day's proceedings, were again read.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH McLAUGHLIN.

The next business in order on the Private Calendar was the bill (H. R. 10897) for the relief of Sarah McLaughlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sarah McLaughlin, widow of John McLaughlin, deceased, who was instantly killed in February, 1912, by reason of a defective cable, while engaged in the employment of the United States Government, in the Reclamation Service, at the Pathfinder Dam, Wyoming, the sum of \$5,000.

With the following committee amendment:

Page 1, line 10, strike out "\$5,000" and insert "\$936.96."

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, as I understand it this is a personal injury case where the Government has already paid to the claimant the amount allowed by the general law, to wit, one year's salary, and the claimant now seeks to recover an additional amount. I think the committee possibly computes it at one year's salary.

Mr. GOOD. The Government has already paid one year's salary. A large part of it, however, was paid, not to the widow, but for the funeral expenses of the deceased. The amount paid was \$936.96. Of that amount \$350 was necessary to pay the funeral expenses of the decedent and the railway fare to the former home of the family. The decedent was killed without any fault on his part at Pathfinder Dam, Wyo. He was engaged on a little platform that was constructed overhanging the canyon. A cable was attached directly above his head, and while a heavy load was being carried across the canyon the cable broke and struck Mr. McLaughlin and knocked him from the platform on which he was standing to the bottom of the canyon—160 feet below. He was instantly killed.

He left two children, one 2 years old and one 6 years old, as I recall. Immediately after the death of her husband the widow was ill for some time, and what little remained of the year's salary after paying these expenses was used in paying every dollar of indebtedness owing by the husband during his lifetime. So there was hardly a penny left for the poor widow, who to-day is working on a farm for \$3 a week trying to support the two minor children. These are the facts. Under an Executive order in accidents of this kind on the Panama Canal two years' salary is paid to the widow or the heirs. It seems to me there ought not to be any objection to this small claim being paid to the widow under the circumstances. I do not think that all the salary was paid to the woman; but whether it was or not, she turned around and paid the rest to her husband's creditors.

Mr. FOSTER. Mr. Chairman, I realize with the gentleman from Iowa that this is, of course, a case which excites the sympathies of every one of us, and I realize the gentleman desires to see this woman helped. I sympathize with him in his object in this case. I believe that under the compensation law which the Government has in existence now it does not pay a sufficient amount in cases of death or injury. But I also realize that if we commence now to open up these cases, which have all been settled on the same basis, although this may be a worthy one, as I believe it is, we ought to adjudicate all those that we have gone over in the past and allowed the one year's salary.

I remember in the district in which I live not very long ago a widow who was destitute, with minor children, wrote me in reference to a case similar to this, where her husband had lost his life in river and harbor work, which, I think, is under this law, and I could secure nothing more for her. I had passed through this House a bill a year or two ago for the widow of a man who lost his life while employed by the Bureau of Mines in Pennsylvania, and they paid but a year's salary. These two cases were cases that excited my sympathy as much as this case, and I regretted I could not secure more, but had to be content with the year's salary. I would be glad to consider a measure which would vote a larger amount for the widows or heirs of these people who lose their lives and leave them de-

pendent. I do not believe that we do right in not paying these people more, but I do not think that we ought to single out any one particular case, but that if we take up one we should take up all of them. I can furnish the gentleman from Iowa just as sad a case as his own. I would like to see that widow with her little children receive more money. I know that treating the cases in this way there must be a favored few that would come in here, and for that reason, until we do get a proper law to determine to go back and adjudicate all the cases, I can not consent to have one go through without the others, and for that reason I must object to the consideration of this bill at this time. I hope that Congress will not long delay the passage of a law that will give ample compensation for death or injury. Our Government ought to be just to those in hazardous occupations. It is wrong for the Government to have these people in its employ and when they are killed not to make sufficient provision for those who are dependent, or if crippled they should be paid a due compensation.

PAYMENT FOR CERTAIN SERVICES, NAVY DEPARTMENT.

The next business in order on the Private Calendar was the bill (H. R. 15309) providing for the payment for certain services arising under the Navy Department.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the following sums of money to the respective claimants enumerated herein, the same being the amount due said claimants for service rendered under the Navy Department as certified to the House by letter from the Secretary of the Treasury March 25, 1914: To W. F. Durand, Stanford University, California, \$228.05; to Burton McCullom, Bureau of Standards, Department of Commerce, \$325; to Pay Director J. S. Phillips, United States Navy, \$70; to Pay Inspector Z. W. Reynolds, United States Navy, \$529.93; to R. P. Andrews Paper Co., Washington, D. C., \$21.15.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. SMITH of Minnesota. I object.

EDWARD A. THOMPSON.

Mr. REILLY of Connecticut. Mr. Chairman, I ask unanimous consent to return to Calendar No. 335, H. R. 7287, for the relief of Edward A. Thompson.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to go back to Calendar No. 335. Is there objection?

Mr. MANN. What is it?

Mr. REILLY of Connecticut. The case of Edward A. Thompson, a claim to which objection was made by the gentleman from Mississippi.

Mr. MANN. I do not object.

The Clerk read the bill, as follows:

A bill (H. R. 7287) for the relief of Edward A. Thompson.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to Edward A. Thompson, to compensate him for the loss of his son, Harold A. Thompson, late a seaman on the U. S. S. *Georgia*, who was killed in the performance of his duty on said ship.

With the following committee amendments:

In line 5 strike out the figures "\$10,000" and insert in lieu thereof the figures "\$125.40." In line 6, after the word "Thompson," strike out the remainder of said bill and substitute the following words: "and said Edward A. Thompson shall be regarded as the duly designated beneficiary of the late Harold A. Thompson, a seaman on the U. S. S. *Illinois*, who was killed in the performance of his duty on said ship."

The CHAIRMAN. Is there objection?

Mr. BUTLER. Reserving the right to object, and I do not intend to object, I want to ask the gentleman if this bill was introduced to pay the sum of \$10,000?

Mr. REILLY of Connecticut. Yes.

Mr. BUTLER. And the committee reported \$125. That is quite a compromise.

Mr. REILLY of Connecticut. It was not a compromise; it was a necessity.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MORRIS DIETRICH.

The next business in order on the Private Calendar was the bill (H. R. 10327) for the relief of Morris Dietrich.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Morris Dietrich, who was permanently disabled while engaged in the employment of the United States

Government at Frankford Arsenal, in the State of Pennsylvania, on or about July 25, 1913, the sum of \$5,000.

With the following committee amendment:

In line 10 strike out "\$5,000" and insert in lieu thereof "\$1,500."

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

BENJAMIN E. JONES.

The next business in order on the Private Calendar was the bill (S. 1803) for the relief of Benjamin E. Jones.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Benjamin E. Jones, junior engineer, United States Geological Survey, the sum of \$70, and said amount is hereby appropriated out of any money in the Treasury not otherwise appropriated, said sum to be in full of all losses incurred and damages sustained by him in an accident while engaged in the Government service.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS E. PHILLIPS.

The next business in order on the Private Calendar was the bill (H. R. 858) for the relief of Thomas E. Phillips.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Thomas E. Phillips shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a corporal in Company B, Sixteenth Ohio Volunteer Infantry, on the 11th day of January, 1863: *Provided*, That no pension, bounty, or allowance shall accrue prior to the passage of this act.

With the following committee amendments:

Strike out of line 7 the words "11th day of January" and insert in lieu thereof the words "20th day of October."

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

S. L. BURGARD.

The next business in order on the Private Calendar was the bill (H. R. 17004) for the relief of S. L. Burgard.

The Clerk read the title of the bill.

Mr. MANN. Mr. Chairman, I object.

JOHN MITCHELL.

The next business in order on the Private Calendar was the bill (H. R. 12161) to remove the charge of desertion against John Mitchell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion against John Mitchell, late of United States gunboat *Oriole*, and issue to him an honorable discharge from the Navy of the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the Secretary of the Navy be, and he is hereby, authorized to remove the charge of desertion against John Mitchell, who served in the United States ships *Great Western*, *Oriole*, and *Huntress*, and to issue to the said John Mitchell, or in case of his death to his heirs or other legal representatives, a certificate of discharge: *Provided*, That no pay or bounty for any period of time during which the said John Mitchell was absent from his command without leave of absence shall accrue or be payable by virtue of the passage of this act."

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I do not know that I have any objection to passing a proper bill. This bill in the form that it is in would not do the man an earthly bit of good, if we passed it, because it does not provide for an honorable discharge, and it also purports to remove the charge of desertion and change the records, when the War Department holds that you can not do that. It is true the bill was drawn by the Navy Department. I do not know whether the President would veto it, but it would not grant the man a pension, and probably that is what he wants.

Mr. HAY. I will state that the President has vetoed similar bills heretofore drawn for the purpose of removing the charge of desertion from soldiers.

Mr. MANN. If this bill related to the Army, this would be vetoed.

Mr. HAY. Undoubtedly; and I do not see any reason why the same rule should not apply to the Navy.

Mr. MANN. There is none, probably, except that in this case the Secretary of the Navy sent this over to the committee, but I do not suppose he knew anything about it personally.

But it does not provide for an honorable discharge nor does it provide that he shall be considered as having had an honorable discharge. It would not do the man any good.

Mr. REILLY of Wisconsin. Mr. Chairman, in answer to the gentleman from Illinois, I will state that this bill was drawn to conform to the statute passed in 1888, providing for the relief of certain men of the Navy or Marine Corps from the charge of desertion.

This law gave the Secretary of the Navy the right, in his discretion, to remove the charge of desertion standing on the records of the Navy against any enlisted man in the Navy or the Marine Corps who served in the Civil War, under certain conditions.

One condition required to exist in order that the Secretary of the Navy might exercise his discretion was that the enlisted man seeking relief must have faithfully served until May 1, 1865, having previously served six months or more.

This law also provided that when the charge of desertion was removed it was the duty of the Secretary of the Navy to issue a certificate of discharge to the said enlisted man, or, in case of his death, to his heirs or to his legal representatives.

The facts concerning the case of John Mitchell are as follows: John Mitchell, in May, 1861, enlisted as a private in Company D, Third New York Volunteer Infantry, and after serving two years received an honorable discharge.

In March, 1865, Mitchell enlisted in the Navy for two years as a landsman, and served until August 26, 1865, when he deserted at Mound City, Ill.

Shortly before Mitchell's desertion his father had died, and prior to that one of his brothers had died in the war, and he went home at the urgent request of his mother, and, as he thought at the time, when there was nothing more for him to do, the war being over. It appears that he did not know that it was required to be mustered out.

Notwithstanding his honorable discharge for previous services in the war, Mitchell could not get the charge of desertion against him on the records of the Navy Department removed under the statute of 1888, because he had not served in the Navy six months prior to May 1, 1865.

The object of this bill is to clear up the Navy record of this man by removing the charge of desertion and by issuing to him a discharge certificate as provided by the law of 1888.

Mr. MANN. Mr. Chairman, the gentleman wants an honorable discharge. This bill would not give it to him. It would not do the man any good to pass the bill. The President has repeatedly vetoed bills in this form. I am not willing to pass this bill in this form by unanimous consent and then say to the next man that I will not consent.

Mr. REILLY of Wisconsin. This man already has one honorable discharge, and he is not asking for an honorable discharge in this bill. While the bill as originally introduced called for an honorable discharge, the change was made to the present form of the bill on the suggestion and recommendation of the Secretary of the Navy, the idea of the Secretary of the Navy being that while Mr. Mitchell's case did not come within the letter of the statute of 1888, it came within the spirit of that statute.

Mr. MANN. But they were honorably discharged.

Mr. REILLY of Wisconsin. The gentleman from Illinois is mistaken. The men who come within the spirit of the statute of 1888 did not get an honorable discharge. The statute simply requires that it was the duty of the Secretary of the Navy to issue to these men a discharge.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

I. C. JOHNSON, JR.

The next business in order on the Private Calendar was the bill (H. R. 11767) for the relief of I. C. Johnson, jr.

The Clerk read the title of the bill.

Mr. MANN. Mr. Chairman, I object.

RICHARD PHILLIP McCULLOUGH.

The next business in order on the Private Calendar was the bill (H. R. 12064) for the relief of Lieut. Richard Phillip McCullough, United States Navy.

The Clerk read the title of the bill.

Mr. MANN. Mr. Chairman, I object.

COL. DAVID L. BRAINARD, QUARTERMASTER CORPS, UNITED STATES ARMY.

The next business in order on the Private Calendar was the bill (S. 5293) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army.

The Clerk read the title of the bill.

Mr. MANN. Mr. Chairman, I object.

SETH WATSON.

The next business in order on the Private Calendar was the bill (S. 1149) for the relief of Seth Watson.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Seth Watson, who was a first lieutenant of Company B, Twenty-eighth Regiment United States Colored Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 24th day of June, 1864: *Provided,* That no pay or bounty shall accrue or become payable by reason of the passage of this act.

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside to be favorably reported to the House.

THOMAS G. RUNNING.

The next business in order on the Private Calendar was an act (S. 663) for the relief of Thomas G. Running.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas G. Running the sum of \$720 for injuries received while employed in the United States Forest Service during the year 1904.

The committee amendment was read, as follows:

Page 1, line 6, strike out "\$720" and insert "\$2,500."

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Chairman, reserving the right to object, this is where I suppose, in an inadvertent moment, the committee decided to put in \$2,500 instead of a year's salary. Does the gentleman desire to insist on that amendment?

Mr. POU. Mr. Chairman, I will say to the gentleman this is a little different from the ordinary run of these cases. This man has totally lost his eyes. He is out there alone, and the committee thought in view of the fact he had lost the sight of both of his eyes that \$720 was totally inadequate.

Mr. MANN. Oh, well, "totally inadequate." Of course it is totally adequate to recompense a man if we paid \$50,000 for the loss of his eyesight.

Mr. POU. Well, there is a great deal of difference between \$720 and \$2,500 to a man who has nothing.

Mr. MANN. I object.

Mr. POU. Mr. Chairman, I will ask the gentleman if he will object in the event we agree to the Senate bill?

Mr. MANN. That is what I asked the gentleman, but I could not get an answer.

Mr. POU. I did not so understand the gentleman from Illinois. I am willing to accept the Senate bill if I can put it through without objection. Mr. Chairman, I ask unanimous consent that the bill be laid aside with a favorable recommendation carrying the sum of \$720, as provided for in the Senate bill.

Mr. BUTLER. And that man is blind.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the bill be laid aside with a favorable recommendation in the amount of \$720, as provided in the Senate bill. Is there objection? [After a pause.] The Chair hears none.

So the bill was laid aside with a favorable recommendation.

BENJAMIN A. SANDERS.

The next business in order on the Private Calendar was the bill (H. R. 12198) for the relief of Benjamin A. Sanders.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Benjamin A. Sanders, the sum of \$2,500, in full compensation for injuries received by him on December 26, 1912, while in the performance of his duties as an employee of the United States Government, being principal of the Uintah Indian boarding school, Whitestocks, Utah, by a flying piece of a broken emery wheel used as a part of the equipment of said school.

The committee amendment was read, as follows:

Page 1, line 6, strike out "\$2,500" and insert "\$1,000."

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported favorably to the House.

V. E. SCHERMERHORN AND OTHERS.

The next business in order on the Private Calendar was an act (S. 4930) for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth.

The Clerk read the title of the bill.

Mr. MANN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois objects.
Mr. HELVERING. Mr. Chairman, I hope the gentleman will withhold his objection for just a moment.

Mr. MANN. I will be very willing to do so, although it is now 5 o'clock, but I shall object in the end. There is no merit in the bill, according to my opinion. I thought possibly I was expediting the rest of the calendar by objecting at this moment. I am not otherwise interested in it.

Mr. HELVERING. I do not know, but perhaps the gentleman has read this report very carefully.

Mr. MANN. I have read the report and I know what it is.

Mr. HELVERING. The gentleman undoubtedly believes the property was destroyed by the employees of the Government?

Mr. MANN. I have no doubt the property was burned, not the slightest, but there is no evidence to show the Government had anything to do with it. If they had, they are not responsible. The people ought to carry insurance.

Mr. HELVERING. Mr. Chairman, I ask unanimous consent to extend my remarks by printing the Senate report on this bill.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The Senate report is as follows:

[Senate Report No. 461, Sixty-third Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 4930) for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth, having considered the same, report thereon with the recommendation that the bill do pass with the following amendments:

In line 7, strike out the figures "\$6,250" and insert in lieu thereof the figures "\$2,767.45."

On page 2, line 2, strike out the figures "\$7,592" and insert in lieu thereof the figures "\$3,109.45."

The facts in the case are fully set forth in the following proceedings of a board of officers convened at Fort Riley, Kans., which is appended hereto and made a part of this report:

Proceedings of a board of officers convened at Fort Riley, Kans., pursuant to the following orders:

Special Order } HEADQUARTERS,
No. 213. } Fort Riley, Kans., October 16, 1908.

A board of officers is appointed to inquire into and report upon the origin and circumstances of a prairie fire which occurred on this military reservation, near the northern boundary, on the 15th instant, and which is reported to have spread to and caused serious damage on the farm of Mr. Schermerhorn, adjoining the reservation.

The board will, if possible, determine the responsibility for the occurrence and estimate the amount of damage done outside of the reservation.

Detail for the board: Maj. John E. McMahon, Sixth Field Artillery; Capt. Charles R. Lloyd, Sixth Field Artillery; First Lieut. James W. Riley, Sixth Field Artillery.

By order of Col. Ward:

ERNEST HINDS, Adjutant General.

Special Order } HEADQUARTERS,
No. 240. } Fort Riley, Kans., November 18, 1908.

2. Capt. Charles R. Lloyd, Sixth Field Artillery, is, on account of absence from the post, relieved as a member of a board of officers appointed by Special Order No. 213, current series, these headquarters, and Capt. Louis T. Boisseau, Sixth Field Artillery, is detailed in his stead.

By command of Gen. Kerr:

N. K. AVERILL,
Captain, Seventh Cavalry, Acting Adjutant General.

The board convened pursuant to the above order has the honor to submit the following report:

Upon investigation the board finds that a grass fire was started on the morning of October 15, 1908, by Pvt. Marcelle Bxdek, Battery A, Sixth Field Artillery. While the battery was engaged in target practice on Packers Hill, this soldier was standing near his wheel pair, in the position occupied by the limbers. While engaged in lighting his pipe, he was compelled to drop it suddenly in order to attend to his horses, and the fire from the pipe was communicated to the long grass. A high wind, which was blowing at the time, spread the fire rapidly, but it was eventually put out and guards stationed around the edges of the burned area to prevent the recurrence of the fire from stray sparks. These guards were removed when the battery returned to the post. In the afternoon of the same day another grass fire broke out, which spread rapidly, owing to the high wind, and which, in spite of the efforts made to extinguish it, extended to the farms north of the reservation, owned, respectively, by V. E. Schermerhorn, Philip Hudspeth, and G. W. Campbell. Part of Mr. Schermerhorn's farm is leased by E. C. Caley.

The amount of damage is estimated as follows:

G. W. Campbell, 2 loads of sorghum, at \$8	\$16
Philip Hudspeth, 16 tons hay, at \$8	128
Philip Hudspeth, 20 bushels corn, at \$0.30	6
E. C. Caley, 15 tons hay, at \$8	120
E. C. Caley, 240 bushels corn, at \$0.30	72

As regards the injury done the Schermerhorn orchard, the board has found considerable difficulty in determining the value of the damage. The fire spread irregularly through the orchard, singeing the trees and injuring the crop of apples at the time on the trees. Mr. Schermerhorn submitted a sketch of the burned area, together with an affidavit of his father, E. R. Schermerhorn, stating that the trees were valued at \$10 each. The sketch and affidavit are forwarded herewith, marked "Inclosure 1." A careful examination of the burned area was then made by F. E. Conter, forester, quartermaster department, whose report and sketch are forwarded herewith, marked "Inclosure 2."

From these data it appears that there were 12.25 acres over which the damage was spread, but that the 637 tree spaces burned over cover an area of 9.12 acres. From the accompanying letter (Inclosure 3) of

Mr. Albert Dickens, head of the department of horticulture and forestry, Kansas State Agricultural College, it appears that the value of orchard lands similar to Mr. Schermerhorn's varies from \$200 to \$250 an acre. On this basis, allowing the claimant the 12.25 acres burned over, the actual damage done would be between \$2,450 and \$3,062.50. To this should be added \$11.20, the value of 28 bushels of apples at 40 cents per bushel.

If, on the other hand, the damage be estimated by considering the number of trees actually destroyed, and allowing \$10 per tree, as claimed by Mr. Schermerhorn, the damage would be as follows:

422 trees, 8 to 9 years, at \$10	\$4,220.00
6 trees, 1 to 2 years, at \$1	6.00
31 sprouts, at 20 cents	6.20
28 bushels apples, at 40 cents	11.20

Total..... 4,243.40

Allowing a stand of 70 trees to the acre, the valuation of the trees at \$10 each would make the orchard worth \$700 per acre, which is believed to be excessive.

The board is of the opinion that it would be just to all parties concerned to assess the damage done as follows:

12.25 acres, at \$225 per acre	\$2,756.25
28 bushels apples, at 40 cents	11.20

Total..... 2,767.45

From an examination made of the burned area and the testimony of the several officers and enlisted men who were detailed to superintend the putting out of the first fire, the board is not prepared to say that the second fire originated from the first. The evidence shows that all due precautions were taken to extinguish the original fire and to prevent its spread, and that when the second fire broke out in the afternoon immediate steps were taken to put it out. It is the experience of the members of the board that grass fires are continually breaking out on the reservation during the dry season, and that it is generally found impossible to determine their origin or cause. In view of the above, the board is unable to determine definitely the responsibility for the fire which caused the damage.

At the time of the fire Col. F. K. Ward, Seventh Cavalry, was in temporary command of the post, the commanding general being on sick report.

JNO. E. MCMAHON,

Major, Sixth Field Artillery.

L. T. BOISEAU,

Captain, Sixth Field Artillery.

J. W. RILEY,

First Lieutenant and Battalion Quartermaster,
Sixth Field Artillery.

HEADQUARTERS,

Fort Riley, Kans., March 10, 1909.

Approved.

It is not shown that either Col. F. K. Ward, Seventh Cavalry, commanding Fort Riley at the time of the fire; First Lieut. B. F. Browne, Sixth Field Artillery, the officer in command of Battery A, Sixth Field Artillery, on the drill day in question; or the United States is responsible for the loss referred to from fire.

J. B. KERR,
Brigadier General, Commanding.

[First indorsement.]

HEADQUARTERS,

Fort Riley, Kans., March 15, 1909.

Respectfully forwarded to the adjutant general, Department of the Missouri, Omaha, Nebr.

The board has very carefully investigated this matter, and the proceedings are forwarded for the information of higher authority.

J. B. KERR,
Brigadier General, United States Army, Commanding.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,

Omaha, Nebr., March 23, 1909.

Respectfully returned to the commanding general, Fort Riley, Kans. The board will make an examination after June 1 and ascertain the number of fruit trees actually killed by the fire.

The board will also obtain the statements of the owners of the damaged property, as to the origin of the fire, and as to the efforts made by them to extinguish it and to protect their own property from destruction.

By command of Brig. Gen. Morton.

C. W. KENNEDY, Adjutant General.

[Third indorsement.]

HEADQUARTERS,

Fort Riley, Kans., March 25, 1909.

Respectfully returned to Maj. John E. McMahon, Sixth Field Artillery, president of the board, inviting attention to preceding indorsement. By command of Brig. Gen. Kerr.

ERNEST HINDS,
Adjutant General, Commanding.
FORT RILEY, KANS., June 23, 1909.

The board met at 11.30 a. m.

Present: Maj. John E. McMahon, Sixth Field Artillery; Capt. Louis T. Boisseau, Sixth Field Artillery.

Absent: First Lieut. J. W. Riley, Sixth Field Artillery, absent with leave, per S. O. 96, headquarters Department of the Missouri, May 19, 1909.

The evidence of the property owners as to the measures taken to protect their property against damage by fire is forwarded herewith, marked "Inclosures 8, 9, 10, 11, and 12."

From an inspection made by the board, assisted by two foresters of the Quartermaster's Department, of the Schermerhorn orchard, it appears that an area of about 12 acres of the orchard has been cleared and planted in corn since the fire. The board found that the fruit trees had been removed from this area and were piled in three heaps on the adjoining ground. These trees were counted as carefully as possible and the number found to be about 625. From this it would appear that

the amount of damages estimated by the board in the original proceedings is apparently correct.

There being no further business, the board adjourned sine die.

JNO. E. MCMAHON,
Major, Sixth Field Artillery, President.
L. T. BOISEAU,
Captain, Sixth Field Artillery, Member.

HEADQUARTERS,
Fort Riley, Kans., June 26, 1902.

Approved.

F. K. WARD,
Colonel Seventh Cavalry, Commanding Post.
JACOB M. COOPER.

The next business in order on the Private Calendar was an act (S. 754) for the relief of Jacob M. Cooper.

The Clerk read the title of the bill.

Mr. MONDELL. Mr. Chairman, I object.

MIRICK BURGESS.

The next business in order on the Private Calendar was an act (S. 5065) for the relief of Mirick Burgess.

The bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Mirick Burgess, who was a private of Company I, Third Regiment New Hampshire Volunteer Infantry, and of Company H, Twelfth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named company and regiment on March 28, 1863: *Provided,* That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

The CHAIRMAN. Is there objection to the present consideration of this bill?

Mr. MONDELL. Mr. Chairman, I object.

Mr. STEVENS of New Hampshire. Will the gentleman reserve his objection?

Mr. MONDELL. Mr. Chairman, I will withhold my objection long enough to say that this seems to me a clear case of desertion. As soon as the man had secured his bounty on his second enlistment and what was coming to him on his first enlistment he deserted from his second enlistment. He received, I believe, a bounty on his second enlistment; and as soon as he was sure of that bounty, a month or two after he enlisted and immediately after he secured his back pay, he deserted.

Mr. STEVENS of New Hampshire. If the gentleman will examine the report, he will find—

Mr. MONDELL. I have examined it.

Mr. STEVENS of New Hampshire. He will see that this soldier after about a year's service was wounded and was in the hospital for quite a long while.

Mr. MONDELL. I saw that.

Mr. STEVENS of New Hampshire. While he was in the hospital he was reenlisted in another regiment, but he never joined the regiment. He remained at the hospital.

Mr. MONDELL. I was of the opinion he did join the regiment and was with the regiment for a short time, and the very day or the day after he received his full pay for his first enlistment, having in the meantime secured his bounty on his second enlistment, he deserted—

Mr. STEVENS of New Hampshire. I think the record shows—

Mr. MONDELL. The very day or day after.

Mr. STEVENS of New Hampshire. I think the record shows that he never joined the Second Regiment.

Mr. MONDELL. Assuming that he never joined the Second Regiment, so much the worse.

Mr. STEVENS of New Hampshire. He was not fit for service, and remained for a considerable time in the hospital.

Mr. MONDELL. Then he should not have been accepted as a veteran volunteer and given a bounty if he was not in condition to join his company or his organization.

Mr. STEVENS of New Hampshire. I think if the gentleman will read the record—

Mr. MONDELL. Mr. Chairman, I do not want to take the time of the committee except to say this, that a common sort of desertion—and I have gone over many cases in former years—are those of men who having served one brief enlistment, then enlisted as veterans, secured bounties, and a few days afterwards deserted.

Mr. STEVENS of New Hampshire. I do not think that is the case here. I think if the gentleman will read the report he will be convinced that is not the case.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MONDELL. I object.

PHILIP COOK.

The next business in order on the Private Calendar was an act (S. 1063) for the relief of Philip Cook. The bill was read in full.

The CHAIRMAN. Is there objection to the present consideration of this bill?

Mr. MONDELL. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Wyoming objects, and the Clerk will report the next bill.

CALEB T. HOLLAND.

The next business in order on the Private Calendar was the bill (H. R. 17752) for the relief of Caleb T. Holland.

The bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Caleb T. Holland, who was a private of Company E, Sixteenth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 18th day of April, 1864.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MONDELL. Mr. Chairman, this man deserted three separate and distinct times. I object.

Mr. HILL. Will you reserve your objection for a minute?

Mr. MONDELL. I will reserve my objection.

Mr. HILL. I know this man personally, and if you will read the record carefully—and if that is not sufficient I will get the complete report from The Adjutant General—you will find one of those desertions was at the time he was sick with typhoid pneumonia, and they lost track of him; but he went back to his company in a short time. The desertion you speak of was one that happened on the 18th of April, 1864, over in Indiana, when the regiment was moving. At this time, as the affidavit sets out fully—and the evidence is overwhelming—the captain of the company had a grudge against this man. He was charged with breaking into a barrel of rum, which I suppose he did not do, from overwhelming evidence, and it was charged he was going to be put in the guardhouse. Now, this man did not do any more than leave the service and join another company up at Indianapolis.

Mr. MONDELL. That is what all the bounty jumpers did.

Mr. HILL. I deny that this man was a bounty jumper, and this record says he did not receive any bounty. He did not receive any bounty at all.

Mr. MONDELL. There is no record from the War Department saying he did not receive a bounty.

Mr. HILL. They so stated in the report here.

Mr. MONDELL. Somebody might be mistaken. But if this man when he deserted and then reenlisted under an assumed name did not receive a bounty or some cash consideration, then I am very, very much mistaken.

There is nothing in the War Department records that I can see to indicate that he did not. He seems to have been an habitual deserter. He may be an exemplary citizen now. That is the unfortunate feature of some of these cases—that men who did things in their youth that they should not have done afterwards become very good citizens. But I do not believe that we should cure records of that kind. I do not think we should correct a record of that kind and place a man who was almost a professional deserter on the same footing with regard to the benefits of the pension laws and otherwise as a man who has honorably served his country.

Mr. DONOVAN. Mr. Chairman, the regular order.

The CHAIRMAN. The regular order is demanded. Is there objection?

Mr. MONDELL. I object.

The CHAIRMAN. The gentleman from Wyoming objects. The Clerk will report the next bill.

TITLE TO CERTAIN LAND IN ST. LOUIS, MO.

The next business in order on the Private Calendar was the bill (H. R. 11765) to perfect the title to land belonging to the M. Forster Real Estate Co., of St. Louis, Mo.

The Clerk read the bill, as follows:

Whereas it appears by satisfactory evidence adduced that the M. Forster Real Estate Co., of St. Louis, Mo., a corporation existing under and by virtue of the laws of the State of Missouri, is the equitable owner of all right, title, and interest in and to a parcel of land situated in city block No. 57 of the city of St. Louis and the State of Missouri, more particularly described as follows: Beginning at a point on the west line of Second Street north 17° 10' east 64 feet 2 inches from the northeast corner of Second and Myrtle Streets; running thence north 72° 12' west 160 feet 10 inches; thence north 17° 11' east 6 feet 2 inches; thence south 72° 3' east 160 feet 10 inches; thence south 17° 10' west 6 feet 2 inches to the place of beginning; bounded on the north by the claim of Fanny Deaver, on the south by the claim of Alexis Lalonde's legal representatives, on the east by Second Street, and on the west by the claim of Marie Rose Lajoie and Helen Leroux's representatives. And it appearing further that legal title to said parcel of land is now vested in the United States of America, said legal title at no time having been granted, released, confirmed, or in any wise relinquished to the owner or owners of said land, and no survey thereof having been made by the United States; and

Whereas it appears further that said M. Forster Real Estate Co. and Marquardt Forster, its grantor, have owned and been in open, notorious, and continuous possession of said land for a period of more than 20 years, to wit, since the 9th day of June, 1890: Now, therefore,

Be it enacted, etc., That all the right, title, and interest of the United States in and to a certain parcel of land situated in the city of St. Louis and State of Missouri, said land being more fully described as follows, to wit: Beginning at a point on the west line of Second Street north 17° 10' east 64 feet 2 inches from the northeast corner of Second and Myrtle Streets; running thence north 72° 12' west 160 feet 10 inches; thence north 17° 11' east 6 feet 2 inches; thence south 72° 3' east 160 feet 10 inches; thence south 17° 10' west 6 feet 2 inches to the place of beginning; bounded on the north by the claim of Fanny Deaver, on the south by the claim of Alexis Lalonde's legal representatives, on the east by Second Street, and on the west by the claim of Marie Rose Lajoye and Helen Leroux's representatives, for which no confirmation has heretofore been granted or no survey made by the United States, be, and the same is hereby, granted, released, relinquished, and confirmed by the United States to the M. Forster Real Estate Co., a corporation existing under and by virtue of the laws of the State of Missouri, owners of the equitable title thereto, and to its successors and assigns, forever, as fully and completely in every respect whatever as could be done by patent issued therefor according to law: *Provided*, That the confirmation granted shall amount only to a relinquishment of any title that the United States has or is supposed to have in and to said land and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatsoever, the true meaning and intent of this act being to concede and abandon all right, title, and interest of the United States to said corporation, the M. Forster Real Estate Co., its successors and assigns, who would be the true and lawful owners of said land under the laws of the State of Missouri, including the laws of prescription, in the absence of said interest, title, and estate of the United States.

With committee amendments, as follows:

Amend by striking out all of the preamble.

Amend, page 3, line 8, by inserting, after the word "representatives," the following: "as shown on the plat of the town of St. Louis, approved by the United States surveyor general on April 14, 1859, and on file in the General Land Office."

Amend, page 3, lines 9 and 10, by striking out the words "or no survey made by the United States."

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The Clerk will report the next bill.

COMMODORE T. E. DE WITT VEEDER.

The next business in order on the Private Calendar was the bill (H. R. 7848) for the relief of Ten Eyck De Witt Veeder, commodore on the retired list of the United States Navy.

The bill was read.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois objects. The Clerk will report the next one.

IDA SEYMOUR TULLOCH ET AL.

The next business in order on the Private Calendar was the bill (H. R. 16755) authorizing and directing the Secretary of the Interior to execute and deliver a deed in favor of and to Ida Seymour Tulloch, Roberta Worms, and Ethel White Kimpell for subplot 33 of original lot 17 in reservation D, upon the official plan of the city of Washington, in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to execute and deliver a deed in favor of and to Ida Seymour Tulloch, Roberta Worms, and Ethel White Kimpell, conveying to them in fee, as tenants in common, subplot 33 of original lot 17 in reservation D, laid out upon the low grounds of the city of Washington, in the District of Columbia, which lot was sold to Ambrose White on December 11, 1830, under the provisions of the act of Congress of May 7, 1822 (3 Stat. L., 691), but no deed of said lot was ever made under said act or under the act of Congress of July 1, 1879 (21 Stat. L., 47), to him or his successors in the equitable title thereof.

With a committee amendment, as follows:

Amend, page 1, line 4, by striking out the words "and directed" and inserting the words "at his discretion."

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The Clerk will report the next one.

OTTO L. WOLFSTEINER AND LILLIE M. THOMSON.

The next business in order on the Private Calendar was the bill (H. R. 6201) to authorize the Secretary of the Interior to issue a deed to the persons hereinafter named for part of a lot in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to execute and deliver to Otto L. Wolfsteiner and Lillie M. Thomson, of the city of Washington, D. C., as tenants in common, a deed conveying to them in fee the following-described part of lot 39, of reservation 10, of the low grounds, District of Columbia, on the west side of Third Street, north of Pennsylvania Avenue, city of Washington: Beginning at the northeast corner of said lot 39, thence south on the west side of Third Street 25 feet to the south end of said lot; thence west 150 feet; thence north 25 feet; and thence east 150 feet to the place of beginning, and known as the eastern part of said lot 39, which lot with others was sold to Judge Buckner Thruston in 1822, under the provisions of the act of Congress of May 7, 1822 (3 Stat., 691), but no deed was ever made to him, or his successors in title, from these United States for such eastern part of said lot 39.

With the following committee amendment:

Page 1, lines 3 and 4, strike out the words "and directed" and insert in lieu thereof the words "in his discretion."

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

DANIEL M. FROST.

The next business in order on the Private Calendar was an act (S. 1807) for the relief of Daniel M. Frost.

The bill was read, as follows:

Be it enacted, etc., That Daniel M. Frost be authorized to make a homestead entry for an unappropriated quarter section of public land, subject to said entry, as though his former entry No. 6595, Larned (Kans.) series, had not been made.

Sec. 2. That the Secretary of the Interior is authorized and directed to allow said Frost credit for the residence and cultivation had by him in connection with said Larned entry as though it were had on said second entry when proof is submitted on the latter.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I have some doubt as to the propriety of the first section of this bill to give this man the right to make another homestead entry, but on the facts stated in the report I have no doubt whatever that the second section ought not to be enacted, because it practically gives him scrip for 160 acres which he is not entitled to.

Mr. JOHNSON of Utah. I do not understand that it gives him any such right. It gives him the right to go upon the public domain and make a homestead entry, and it authorizes the Secretary of the Interior to allow him credit for residence upon this new entry of the same length of time that he formerly resided on the other entry.

Mr. MANN. He was there long enough to buy the land—to commute.

Mr. JOHNSON of Utah. Yes.

Mr. MANN. It is just like issuing to him scrip for the land.

Mr. JOHNSON of Utah. But that he might get after a year's residence; but on a homestead entry he would have to reside for five years.

Mr. MANN. The fact of the matter is that probably the man was guilty of collusion in making his first homestead entry, and he did not get it.

Mr. JOHNSON of Utah. I hope the gentleman from Illinois will not object. The record discloses the fact that this man went upon this land believing it was subject to homestead entry and that another man by the name Weine attempted to make a preemption filing a month or so after Frost had made the homestead entry. This matter was contested and went before the Commissioner of the General Land Office and before the Secretary of the Interior, who both held that Mr. Frost had the right to make his entry. Afterwards, under a new Secretary of the Interior, Mr. Frost offered to pay or commute the price of the land—\$110. An appeal was taken from that, and the new Secretary of the Interior then held on appeal that this land was not subject to homestead entry, but that it was subject to preemption. This man Frost having no right of preemption, having exhausted his right, of course could not take the land. Meantime, as the report shows, he had erected a house on the land and had lived there with his family. After this holding of the Secretary of the Interior, and after a patent had issued to this man Weine, Mr. Frost brought an action, which he carried to the Supreme Court of the United States, claiming that this man Weine held the land as a trustee for him—Frost. The court decided against him,

He pursued the matter for 10 years, attempting to get title to this land. He is now a resident of Uinta County, in my State. He is a very aged man and a poor one, and it seems to me under these circumstances, having acted in good faith, he certainly ought to have the right conferred by this bill. He carried his contest to the court of last resort. It seems to me that under these circumstances he ought to be allowed whatever residence he can prove to apply on the new homestead when he proves up.

Mr. MANN. Mr. Chairman, of course I do not know as to the value of the land which was in controversy for these 10 years. The controversy went to the Supreme Court of the United States. But I suspect it was more valuable than the ordinary homestead entry. This man made a homestead entry, and it was charged he made it by collusion with the land office. The report says:

It was charged that Frost made his entry by collusion with the register of the United States land office at Larned, who suggested to him the making of an entry for the land involved and accepted an application executed at Dodge City, instead of at the local office.

It is true that the department was not able to say that there was collusion. I think that what is stated in the report shows that there was collusion and that he was not a bona fide settler on the land. I am willing to let him have the right to make a homestead entry, but if what he wants is scrip worth a few dollars an acre, I do not think he is entitled to it.

Mr. JOHNSON of Utah. I would prefer to have the second section stricken out rather than to have the bill lost.

Mr. HOWELL. Mr. Chairman, the man has a right now to make a homestead entry even if this bill did not pass. The only relief at all afforded by the bill is contained in section 2. If that were stricken out, the bill would be a nullity. A man who has heretofore lost his homestead right for any cause other than by fraud or for a valuable consideration has the right to make a second homestead entry under existing law. The fact is, Mr. Frost, now well advanced in years, and a pioneer in the Uinta Indian Reservation, recently opened to settlement, made a homestead entry and established a home on land which he believed was subject to homestead entry. His entry was contested on the ground that these lands under the terms of their cession as formerly a part of an Indian reservation could only be acquired under the preemption land law then in force. The question was by no means a clear one, and after several favorable decisions the case finally, on appeal to the Secretary of the Interior, was decided adverse to him and he lost the land and improvements he had made and the time he had devoted to his entry in good faith. He now asks in this bill to simply have the time of residence on his former homestead apply on another homestead entry. He exhausted every remedy in defense of his former entry, and surely, from the decisions in his favor, he was justified in believing he had the right to make his former entry.

Mr. MANN. He seems to have been in this business a good deal.

Mr. HOWELL. No; there is nothing in the report in the case that warrants this imputation. The Assistant Secretary exonerates him from any charge of collusion. His chief and only offending was to make a bona fide homestead entry on lands that were afterwards held to be subject only to acquisition under the preemption law. It is true he had previously exhausted his right of preemption, but had a perfect right to make a homestead entry. Now that in his advanced age he has gone into a new country to aid in its development and settlement it is only fair and just that the time of residence on his former entry should be credited to him in making a home in the wilderness. He lost his former homestead, made in good faith, through no fault of his, but by the ambiguity of the laws applicable to the area embracing it, besides sustaining the heavy expense of protracted litigation in which the decisions varied for and against him. This bill provides but a small measure of relief, and I appeal to the gentleman from Illinois [Mr. MANN] not to interpose his fiat of objection to its consideration.

Mr. DONOVAN. Mr. Chairman, the regular order.

The CHAIRMAN. The regular order is, Is there objection?

Mr. MANN. I object.

G. L. TANEYHILL.

The next business in order on the Private Calendar was an act (S. 1124) for the relief of G. L. Taneyhill.

The Clerk read the title to the bill.

Mr. MANN. I object.

HERMAN VON WERTHERN.

The next business in order on the Private Calendar was an act (S. 2472) for the relief of Herman von Werthern.

The Clerk read the title to the bill.

Mr. MANN. Mr. Chairman, I object.

AARON S. WINNER.

The next business in order on the Private Calendar was an act (S. 725) to correct the military record of Aaron S. Winner. The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Aaron S. Winner, who was a private in Company H. One hundred and forty-ninth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that company and regiment on the 25th day of July, 1865.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. SMITH of Minnesota. I object.

JOHN P. FITZGERALD.

The next business on the Private Calendar in order was an act (S. 2715) to amend the military record of John P. Fitzgerald.

The Clerk read the bill.

The CHAIRMAN. Is there objection?

Mr. SMITH of Minnesota. I object.

WALDO H. COFFMAN.

The next business in order on the Private Calendar was an act (S. 4023) for the relief of Waldo H. Coffman.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Waldo H. Coffman, formerly a private of the Ninety-third Company, Coast Artillery Corps, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company on the 18th day of August, 1913: *Provided,* That all pay and allowances due him on said date shall be allowed him.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. SMITH of Minnesota. I object.

Mr. CAMPBELL. Will not the gentleman withhold his objection?

Mr. SMITH of Minnesota. I will.

Mr. CAMPBELL. This is a Senate bill. It has been reported and acted upon in that body; it has been favorably reported by the Committee on Military Affairs of the House. This party was tried in June and July, 1913, for two alleged statements. It was alleged that he had made some disparaging statement concerning the flag, and that he had made some disparaging statements concerning the Vice President of the United States who had just died. He was tried and dishonorably discharged from the Army and sentenced to imprisonment for two years. Afterwards, in reviewing the record, the Secretary of War came to the conclusion that the testimony did not justify the sentence, at least that portion of it that imprisoned the soldier, and that part of the sentence was remitted by the Secretary of War.

In reviewing the matter the question was raised as to whether or not the testimony showed that the soldier was at all guilty of the matter with which he was charged. The fact is that the principal charge against the young man was that he was a Socialist, and he, it seems, had become obnoxious on that account to some of his comrades. I appeal to the gentleman from Minnesota [Mr. SMITH], to the Members of the House, that we should not try men for political offenses in the Army or out of it, and the worst that this young man was guilty of, it seems, was that he was a Socialist and did not hesitate on occasions to say so. The bill has been favorably reported by the Senate and passed by the Senate, and has been favorably reported by the House, and it simply provides that hereafter in the administration of the laws he shall be considered to have been honorably discharged, and have his pay up to the time of the trial. The War Department, while not recommending the bill, thinks that is not an unreasonable thing to do in this case, and I sincerely hope that the gentleman from Minnesota will not object.

Mr. SMITH of Minnesota. Mr. Chairman, in view of what the gentleman from Kansas has said, I withdraw the objection.

Mr. MONDELL. Mr. Chairman, I think we are going far afield, when, by act of Congress, we set aside court-martial decisions. I do not happen to know anything about this case, and therefore I am not justified in objecting, but I do think it is a very extraordinary proceeding.

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN MINAHAN.

The next business in order on the Private Calendar was the bill (H. R. 5753) to correct the military record of John Minahan, alias John Bagley.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of John Minahan, alias John Bagley, late a private in Company K, Eighth Regiment New Hampshire Volunteer Infantry, and to issue to said John Minahan, alias John Bagley, an honorable discharge of date August 24, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

With the following committee amendments:

Strike out all after the enacting clause and insert:
"That in the administration of the pension laws John Minahan, alias John Bagley, late a private in Company K, Eighth Regiment New Hampshire Volunteers, be held and considered to have been honorably discharged from the military service of the United States as a private in said company and regiment on the 24th day of August, 1864: *Provided*, That no back pay, back pension, back allowances, or emoluments shall accrue by reason of the passage of this act."

Amend the title so as to read: "A bill for the relief of John Minahan, alias John Bagley."

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Chairman, I object.

Mr. KINKAID of Nebraska. Mr. Chairman, I hope the gentleman will reserve his objection for a moment.

Mr. MANN. I will reserve my objection for a moment.

Mr. KINKAID of Nebraska. Mr. Chairman, I regard this as a very worthy case. It has been pending for a good, long time.

Mr. MANN. I will call the attention of the gentleman from Nebraska to what is bothering me in connection with this bill. This man deserted. That is admitted. He enlisted again under a different name, as a substitute for another man who was subject to draft, and the Navy Department says that he did this for the purpose for securing a bounty. Of course he says he did not get the bounty. That is what is bothering me.

Mr. MONDELL. Mr. Chairman, the gentleman from Nebraska understands that if as a matter of fact that he did not get the bounty, then there is no necessity for passing this bill, because there is a general act under which a man having an honorable discharge from his last contract of service and desertion from a former enlistment is forgiven. This man has not been able to prove that he did not receive a bounty.

Mr. KINKAID of Nebraska. Nor has the Government been able to prove that he did receive a bounty.

Mr. MANN. Why does a man desert from one command and enlist in another under a different name unless it be for the purpose of deceiving somebody and getting something? It is too plain for argument.

Mr. GARRETT of Tennessee. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

THOMAS M. JONES.

The next business in order on the Private Calendar was the bill (H. R. 6421) for the relief of Thomas M. Jones.

The Clerk read the bill.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

LUKE O'BRIEN.

The next business in order on the Private Calendar was the bill (H. R. 6652) to remove the charge of desertion from the military record of Luke O'Brien.

The Clerk read the title of the bill.

Mr. MANN. I object.

JOHN C. SHEA.

The next business in order on the Private Calendar was the bill (H. R. 12566) for the relief of John C. Shea.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring the rights, privileges, or benefits upon honorably discharged soldiers, John C. Shea, who was a private in Company D, Forty-sixth Regiment Massachusetts Volunteer Infantry, shall be hereafter held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 30th day of May, 1863.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Chairman, reserving the right to object, I notice, first, that the bill does not contain an amendment which the committee reported. I would like to inquire of some gentleman who is familiar with the matter what is designed to be accomplished by this bill. This man enlisted in Company D, Forty-sixth Regiment Massachusetts Militia Infantry, and obtained an honorable discharge from it. He then enlisted in another regiment and deserted.

This bill gives him an honorable discharge from a regiment from which he already has an honorable discharge, and it does not propose to give him an honorable discharge from a regi-

ment from which he deserted. As the whole purpose is to get him within the pension law, he would not get a pension, but it only gives him an honorable discharge from a regiment from which he has an honorable discharge. What is the point of it?

Mr. REILLY of Connecticut. Mr. Chairman, what the gentleman from Illinois states is absolutely correct in regard to this bill.

Mr. MANN. If it had not been I would not have stated it.

Mr. REILLY of Connecticut. We know the gentleman is usually correct but not always infallible. The committee reported on this bill only within a few days, and this is the first time I have seen it, but the department recommends that his record be amended in regard to the other enlistment instead of the one which the committee have reported.

The CHAIRMAN. Is there objection?

Mr. MONDELL. Mr. Chairman, reserving the right to object, I wish to call attention to the further fact that this gentleman served two whole days after his enlistment and receiving the bounty: it was two entire days before he finally deserted. [Laughter.]

The CHAIRMAN. Is there objection?

Mr. MONDELL and Mr. MANN. I object.

MILES A. HUGHES.

The next business in order on the Private Calendar was the bill (H. R. 14711) for the relief of Miles A. Hughes.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Miles A. Hughes shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company A, Sixteenth Regiment Kentucky Volunteer Infantry, on the 27th day of June, 1864.

The committee amendment was read, as follows:

Amend, page 1, line 8, after the word "sixty-four," by inserting the following: "*Provided*, That no back pension, back pay, or back allowances shall accrue by reason of the passage of this act."

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Chairman, reserving the right to object, did I hear the Clerk read an amendment? The copy of the bill which I have has no amendment.

The CHAIRMAN. The Clerk informs the Chair the amendment is in the bill which he has before him.

Mr. MANN. Well, the Clerk read the amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FRED GRAFF.

The next business in order on the Private Calendar was the bill (H. R. 17464) for the relief of Fred Graff.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Fred Graff, who was commissioned by the governor of the State of New York as second lieutenant in the Seventy-eighth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been duly enrolled and mustered in and attached to that regiment from the 25th day of October, 1863, until the 11th day of July, 1864.

The CHAIRMAN. Is there objection to the present consideration of this bill?

Mr. MANN. Mr. Chairman, reserving the right to object, I thought I inquired about this bill a moment ago. The usual amendment is not inserted in connection with this bill.

Mr. GREENE of Vermont. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Vermont offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 1, line 10, after the word "sixty-four," insert the following: "*Provided*, That no back pay, back pension, or back allowances of any kind shall accrue by reason of the passage of this act."

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The amendment was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

Mr. TAYLOR of Arkansas. Mr. Chairman, I ask unanimous consent that the committee return to Private Calendar No. 303.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to return to Private Calendar No. 303. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, what is the bill?

The CHAIRMAN. The Chair will say that we did not consider that bill to-day, but began with Calendar No. 318.

Mr. MANN. Well, I shall object.

Mr. TAYLOR of Arkansas. I will state to the gentleman from Illinois this is a bill which I called up not so long ago to which objection was made by the gentleman in reference to a grant of certain land to the Masonic lodge at Hot Springs.

Mr. MANN. Yes; and I objected to it.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. MANN. It is too late to take it up now.

Mr. POU. Mr. Chairman, I move that the committee do now rise, and that the Chairman be directed to report to the House that the committee has had under consideration various bills and resolutions upon the Private Calendar which were laid aside, that sundry amendments have been agreed to, and that the committee recommends to the House that the said bills and resolutions, some with amendments and some without amendments, do pass.

The motion was agreed to; and the Speaker having resumed the chair, Mr. TAYLOR of Colorado, Chairman of the Committee of the Whole, reported that that committee had had under consideration sundry bills and resolutions, and that he reported the same back to the House, some with amendments and some without amendments, with the recommendation that the amendments be agreed to and that the bills and resolutions do pass.

Mr. POU. Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered on all the bills and resolutions reported, to final passage.

The SPEAKER. Is there objection?

There was no objection.

So the previous question was ordered.

Mr. TAYLOR of Colorado. Mr. Speaker, Senate bill 4628 was reported—

Mr. MANN. No more business to-night.

Mr. TAYLOR of Colorado. I want to ask to agree to a conference report.

Mr. MANN. Then I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present.

ADJOURNMENT.

Mr. POU. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until Saturday, August 1, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 15418) authorizing Maj. Clyde S. Ford, Medical Corps, to accept and wear the decoration tendered him by the Ottoman and Bulgarian Governments for services rendered in the Balkan wars, reported the same without amendment, accompanied by a report (No. 1053), which said bill and report were referred to the House Calendar.

Mr. FLOYD of Arkansas, from the Committee on the Judiciary, to which was referred the bill (H. R. 16244) to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1055), which said bill and report were referred to the House Calendar.

Mr. RAINEY, from the Committee on Ways and Means, to which was referred the bill (H. R. 12674) to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands, reported the same without amendment, accompanied by a report (No. 1056), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CHURCH, from the Committee on the Public Lands, to which was referred the bill (S. 5254) authorizing the Secretary of the Interior in his discretion to sell and convey a certain tract of land to the Mandan Town and Country Club, reported the same without amendment, accompanied by a report (No. 1052), which said bill and report were referred to the Private Calendar.

Mr. LOGUE, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (H. J. Res. 308) providing for a commission to complete the acquisition of lands for the extension of the Capitol Grounds, and provid-

ing for the payment thereof, reported the same with amendment, accompanied by a report (No. 1054), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. NEELY of West Virginia: A bill (H. R. 18167) to extend aid to the several States in the building of public highways by authorizing the working of certain Federal convicts thereon or in the preparation of road materials; to the Committee on the Judiciary.

By Mr. SELLS: A bill (H. R. 18168) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 18169) authorizing and directing the President to appoint an advisory board of consulting engineers to report to him at the earliest possible moment and to the next session of Congress upon plans and methods for the control of the Mississippi River below St. Louis, Mo., particularly with a view to facilitating the adoption of definite, effective remedies and scopeful plans for such purposes and to determine the merits, feasibility, and cost of the plans of the Mississippi River Commission, and of the plans presented and known as the Mississippi spillway and ramifications; making an appropriation for the expenses of such advisory board of consulting engineers and defining its powers and duties; to the Committee on Rivers and Harbors.

By Mr. ALEXANDER: A bill (H. R. 18170) amending section 4132 of the Revised Statutes of the United States, as amended by section 5 of the act of August 24, 1912; to the Committee on the Merchant Marine and Fisheries.

By Mr. BUCHANAN of Illinois: A bill (H. R. 18171) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1903, and amended April 5, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. DIXON: A bill (H. R. 18172) to increase the limit of cost of the United States post-office building at Seymour, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. FLOOD of Virginia: Joint resolution (H. J. Res. 310) authorizing the President to accept an invitation and to appoint delegates to participate in the International Conference on Social Insurance; to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Joint resolution (H. J. Res. 311) instructing American delegate to the International Institute of Agriculture, to present to the permanent committee for action at the general assembly in 1915 certain resolutions; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 18173) to reinstate Frederick J. Birkett as third lieutenant in the United States Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. BATHRICK: A bill (H. R. 18174) to transfer Capt. John Calvin Leonard from the retired to the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. BROWN of West Virginia: A bill (H. R. 18175) granting an increase of pension to Eli Phillips; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 18176) granting a pension to Phillip Wells; to the Committee on Pensions.

By Mr. CLAYPOOL: A bill (H. R. 18177) granting an increase of pension to Deltiah Beecher; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 18178) granting an increase of pension to Samuel Stallings; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 18179) granting a pension to Jane A. Carney; to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 18180) for the relief of John J. Nanry; to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 18181) for the relief of the trustees of Lebanon Evangelical Lutheran Church, of Shenandoah County, Va.; to the Committee on War Claims.

By Mr. HOBSON: A bill (H. R. 18182) for the relief of A. J. Tidwell, sr.; to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 18183) granting an increase of pension to John R. McKeaynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18184) for the relief of the estate of Erasmus S. Smith; to the Committee on War Claims.

By Mr. JONES: A bill (H. R. 18185) for the relief of David R. Mister; to the Committee on War Claims.

Also, a bill (H. R. 18186) for the relief of the trustees of Carmel Baptist Church, Caroline County, Va.; to the Committee on War Claims.

Also, a bill (H. R. 18187) for the relief of the trustees of Urbanna Episcopal Church, Middlesex County, Va.; to the Committee on War Claims.

By Mr. OLDFIELD: A bill (H. R. 18188) granting an increase of pension to Joseph L. Hall; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 18189) granting a pension to Morgan A. Harris; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of California: Petition of 850 citizens of Los Angeles, Cal., protesting against national prohibition; to the Committee on Rules.

Also, petition of 1,000 citizens of the ninth congressional district of California, favoring national prohibition; to the Committee on Rules.

By Mr. CONNELLY of Kansas: Petition for the passage of the Sheppard-Hobson amendment to the Constitution for national prohibition, 180 names, Colby; 150 names, Bunker Hill; 21 names, Seiden, all in the State of Kansas; to the Committee on Rules.

By Mr. DILLON: Petition of sundry voters of Union County, S. Dak., protesting against national prohibition; to the Committee on Rules.

By Mr. DIXON: Petition of 50 Civil War veterans of Bartholomew County, 71 citizens of Providence, 150 of Mount Auburn, and 150 of Glade, all in the State of Indiana, favoring national prohibition; to the Committee on Rules.

Also, petition of Miss Vida Newson, Mrs. H. E. Arthur, and others, of Columbus Branch of Woman's Franchise League of Indiana, favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. DONOHUE: Petitions of sundry citizens of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. DUNN: Petitions of Frank W. McHugh Co. and Tentoula Liedertafel Society, both of Rochester, N. Y., and Central Federation of Labor, of Cohoes, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, memorial of Women's Missionary Society, Third Presbyterian Church of Rochester, N. Y., relative to amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

By Mr. FRENCH: Petition of citizens of Coeur d'Alene, Idaho, protesting against national prohibition; to the Committee on Rules.

By Mr. GUERNSEY: Petitions of citizens of Dover, Foxcroft, and Bangor, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petitions of G. A. Seavey and others of Springfield, Oreg., protesting against national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of Frederick R. Griffiths, Samuel Orr, Frank Backus, W. F. Chaffee, G. W. Muir, Floyd Patterson, T. N. Madill, Noah Walker, Charles E. Wheeler, J. B. Wheeler, L. B. Ginn, Robert Merrifield, O. L. Dickinson, James Weatherup, Newton Stone, Joseph Ross, R. R. Ormsbee, William Graham, L. W. Seaman, L. N. Stone, C. E. Sunderland, J. L. Wood, T. Hutchinson, John McAllister, James Dame, Henry Parkhill, E. M. Bagley, John Cline, W. A. Burlingame, E. H. Dexter, G. H. Simpson, C. B. Doty, R. S. Murray, Richard Kelly, Fred N. Bockus, E. M. Spry, F. W. Laidlaw, E. D. Hanson, Allen Bill, S. R. McCrea, and V. L. Lytle, all of Rensselaer Falls, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Resolutions of the International Union of Journeymen Horseshoers of America, protesting against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

By Mr. SELLS: Memorial of the Woman's Home Missionary Society, First Methodist Episcopal Church, Johnson City, Tenn.,

protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petitions of sundry citizens of Wilmington and San Pedro, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. THACHER: Memorial of Quarterly Conference of Methodist Episcopal Church, Marstone Mills, and Quarterly Conference of Methodist Episcopal Church, Osterville, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. WILSON of New York: Memorial of citizens of New York City, favoring Government ownership of the coal mines in Colorado; to the Committee on the Judiciary.

SENATE.

SATURDAY, August 1, 1914.

(Legislative day of Monday, July 27, 1914.)

The Senate reassembled at 11 o'clock a. m. on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 663. An act for the relief of Thomas G. Running;

S. 1149. An act for the relief of Seth Watson;

S. 1803. An act for the relief of Benjamin E. Jones;

S. 3761. An act for the relief of Matthew Logan;

S. 4023. An act for the relief of Waldo H. Coffman;

S. 6084. An act to grant the consent of Congress for the county of Pulaski, State of Arkansas, to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.; and

S. 6101. An act to grant the consent of Congress for the city of Lawrence, county of Essex, State of Massachusetts, to construct a bridge across the Merrimac River.

The message also announced that the House had passed the bill (S. 23) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House further insists upon its amendments to the bill (S. 4628) extending the period of payment under reclamation projects, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAYLOR of Colorado, Mr. BAKER, and Mr. KINKAID of Nebraska managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 858. An act for the relief of Thomas E. Phillips;

H. R. 2312. An act for the relief of Rathbun, Beachy & Co.;

H. R. 2642. An act authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy;

H. R. 6201. An act to authorize the Secretary of the Interior to issue a deed to the persons hereinafter named for part of a lot in the District of Columbia;

H. R. 6530. An act for the relief of Michael F. O'Hare;

H. R. 7287. An act for the relief of Edward A. Thompson;

H. R. 11394. An act for the relief of Joseph A. Powers;

H. R. 11765. An act to perfect the title to land belonging to the M. Forster Real Estate Co., of St. Louis, Mo.;

H. R. 12198. An act for the relief of Benjamin A. Sanders;

H. R. 13350. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;

H. R. 13352. An act to allow credit in the accounts of Wyllys A. Hedges, special disbursing agent;

H. R. 13591. An act for the relief of John P. Ehrmann;

H. R. 13728. An act for the relief of Richard Riggles;

H. R. 14711. An act for the relief of Miles A. Hughes;

H. R. 14953. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars;

H. R. 16305. An act to reimburse Henry Weaver, postmaster at Delmar, Ala., for money and stamps stolen from said post office at Delmar and repaid by him to the Post Office Department;